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BUNCOMBE COUNTY
CITY OF ASHEVILLE
COUNCIL MINUTES

VOL 30
YEARS 1939 1944
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May 15, 1939.

The re-elected City Council held its first meeting in the Council Chamber, City Hall Monday, May 15, 1939 at 10 o'clock A. M. The certificates of election of each member of the City Council were presented and filed, and oaths of office were given by Hon. J. Ed Swain, Clerk of Superior Court as follows:

Carl R. Bamford
H. G. Etheridge
Eugene Carland
J. E. Divelbiss, Jr.
O. E. Starnes
L. Lyons Lee
Holmes Bryson

Minutes of the last meeting were read and approved.

Mayor Bryson announced that since this was the organization meeting, election of officers was in order. Councilman Carland acting as temporary Chairman asked for nominations for Mayor. Upon motion of Councilman Carland, seconded by Councilman Divelbiss, Holmes Bryson was nominated for the office of Mayor of the City of Asheville, and was unanimously elected to this office.

Upon motion of Councilman Bamford, seconded by Councilman Starnes, L. Lyons Lee was nominated for the office of Vice-Mayor, and was unanimously elected to this office.

Upon motion of Councilman Etheridge, seconded by Councilman Lyons Lee, P. M. Burdette was nominated for the office of City Manager, and was unanimously appointed to fill this office.

Upon motion of Councilman Starnes, seconded by Councilman Etheridge, Philip C. Cocke, Jr. was nominated for the office of Corporation Counsel, and was unanimously appointed to this office.

Upon motion of Councilman Carland, seconded by Councilman Bamford, Mrs. Glenn Morris was nominated for the office of City Clerk, and was unanimously appointed to this office.

Upon motion of Councilman Carland, seconded by Councilman Bamford, the Wachovia Bank & Trust Company, The First National Bank & Trust Company, and the Bank of Asheville were named as depositories for City funds.

Upon motion of Councilman Lee, seconded by Councilman Etheridge, the following list of bonds of City officials and employees were voted to remain as below:

P. M. Burdette, City Manager	$10,000.00
R. E. Currence, City Accountant	10,000.00
O. L. Edwards, Timekeeper	2,000.00
C. N. Roddy, Bookkeeper	2,000.00
Mary S. Eudy, Voucher Clerk	1,000.00
F. J. Padgett, Privilege Tax Collector	3,000.00
J. R. Swann, Deputy Privilege Tax Collector	1,000.00
E. M. Lyda, Deputy Privilege Tax Collector	1,000.00
P. H. Quinton, Deputy Dog Tax Collector	1,000.00
W. E. Rankin, Office Supt. Water Dept	1,000.00
R. N. Grice, Cashier	2,000.00
Fayne W. Bradley, Assistant Cashier	1,000.00
Philip R. Bryson, Bookkeeper	1,000.00
J. B. Hensley, Bookkeeper	1,000.00
Wm. B. Cody, Meter Reader	1,000.00
Dewey Hudgins, Cut-Off Man	1,000.00
John Garrison, Outside Collector	1,000.00
James Weldon Weir, Supt. City Parks	3,000.00
Robert W. Prayton, Manager Recreation Park	2,000.00
Kenneth Glenn, Golf Professional	1,000.00
Kristine Gaither, Clerk Public Works	1,000.00
Dewey R. Campbell, Electrical Inspector	1,000.00
H. C. Gudger, Real Estate Supervisor	1,000.00
R. L. Maynard, City Engineer	1,000.00
Mae McFee, Secretary Health Dept.	1,000.00
Chas. W. Dermid, Chief of Police	1,000.00
Peyton L. Stone, Clerk Police Court	2,000.00
Garland C. Wible, Desk Sergeant	2,000.00
A. J, Creasman, Desk Sergeant	1,000.00
Albert C. Warren, Desk Sergeant	1,000.00
Willian E. Rector, Desk Sergeant	1,000.00

May 15, 1939.

Upon motion of Councilman Divelbiss, seconded by Councilman Etheridge, Marshall Orr was nominated for the office of Assistant Judge of the Police Court, and he was unanimously appointed to this office, and given the oath of office.

Upon motion of Councilman Bamford, seconded by Councilman Lee, Harold Bennett was nominated for the office of Assistant Solicitor of the Police Court and he was unanimously appointed to this office, and given the oath of office.

Upon motion of Councilman Lee, seconded by Councilman Starnes, Miss Margaret Simmons was unanimously appointed as Secretary to the Corporation Counsel.

Mayor Bryson asked those present to stand for a moment in silent tribute to the memory of Robert E. Shuford, Councilman, who died during his term of office last year.

The City Manager, Mr. P. M. Burdette, Corporation Counsel Mr. Philip C. Cocke, Jr., and City Clerk, Mrs. Glenn Morris, were administered oath of office by the Hon. J. Ed Swain. Judge Sam Cathey and Solicitor Will Hampton were also administered oaths of office.

Resolution prescribing the time and day of the weekly meeting of the City Council for the terms of office for the years 1939-41 was upon motion of Councilman Carland, seconded by Councilman Lee, unanimously adopted.

RESOLUTION PRESCRIBING THE TIME AND DAY OF THE WEEKLY MEETING OF THE CITY COUNCIL FOR THE TERMS OF THEIR OFFICE FOR THE YEARS 1939-41, INCLUSIVE

WHEREAS, Article 2, Section 8, of the Charter of the City of Asheville requires that a time and day be set by resolution for the meetings of the City Council during their term of office; and

WHEREAS, they meet at least once a week;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That they hold their regular meetings on Thursday at 4:30 o'clock P. M. of each week during the term of office of this Council.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted this 15 day of May, 1939.

Holmes Bryson
Mayor
Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Mayor Bryson expressed his appreciation for the honor conferred upon him by electing him to the important office of Mayor, and said he was speaking for every member of the City Council in thanking the citizens of the City of Asheville for their splendid vote of confidence given them in the General Election just past. He also expressed his appreciation for the efficiency of the City Manager, and the way in which the entire personnel under his supervision cooperated for the good of the City. He reviewed some of the accomplishments of the administration, such as the open-air market, colored Park, street improvements and the New Auditorium, et.

Judge Philip C. Cocke, Sr., Robert C. Sollins, John C. Vance, James S. Howell, S. C. Bernard, and others congratulated the Councilman and wished them well in their new administration.

May 15, 1939.

Upon motion of Councilman Starnes, seconded by Councilman Bryson, the Board of Elections was given a rising vote of thanks for the efficient manner in which the election was conducted by the Board.

Councilman Divelbiss stated he wanted to publicly thank the entire personnel of the City for the splendid work done by each department, and for their loyalty and cooperation during the entire four years that he had been on the City Council.

By authority of an order of the City Council of the City of Asheville under motion made by Councilman Eugene Carland, seconded by Councilman Bamford, it was ordered that the minutes of May 15 be corrected as follows:

Mayor Salary shall be	$1200.00 per year
Councilmen's salary shall be	300.00
City Manager	8400.00
Corporation Counsel	3600.00
City Clerk	1800.00

There being no further business, the meeting was upon motion adjourned.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

May 18, 1939.

On account of no quorum, no meeting was held on Thursday, May 18, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

May 25, 1939.

The City Council met in regular session May 25, 1939, at 4:30 P. M., in the Council Chamber, with Vice-Mayor L. Lyons Lee presiding. Present: Councilmen C. R. Bamford, Eugene Carland, J. E. Divelbiss, Jr., O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved after the correction as follows was made:

A motion was made by Councilman Eugene Carland, seconded by Councilman Bamford, that the minutes of May 15 be corrected by setting the salary of the Mayor at $1200 a year, the City Councilmen at $300 a year, the City Manager at $8400 a year, the Corporation Counsel at $3600 and the City Clerk at $1800 a year. This order has been complied with.

JUVENILE JUDGE

Upon motion of Councilman Divelbiss, seconded by Councilman Starnes, minutes of the Joint Session of the City Council and County Commissioners of Buncombe County to elect a Judge of the Juvenile Court, be inserted in the minutes of the City Council as follows:

"At a joint session held at the City Hall at 4 O'clock Thursday May 25, 1939, by the City Council of the City of Asheville, and the County Commissioners of Buncombe County, Judge Owen Gudger was unanimously elected for a two year term as Judge of the Juvenile Court of Buncombe County, beginning July 1, 1939 and ending July 1, 1941.

Motion was made by Vice-Mayor L. Lyons Lee, seconded by Commissioner H. L. Parker, and Mr. Gudger was unanimously elected.

Present for this meeting were:

Vice-Mayor L. Lyons Lee	County Commissioner John C. Vance
Councilman C. R. Bamford	" " H. L. Parker
" O. E. Starnes	
" Eugene Carland	
" J. E. Divelbiss, Jr.	

May 25, 1939.

Upon motion of Councilman Divelbiss, seconded by Councilman Bamford, Ordinance No. 259 was ordered to remain on the table until June 1, 1939, in view of the fact that the Council is seeking information.

Ordinance No. 260, entitled, "An Ordinance Levying, assessing, imposing, and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal Year beginning June 1, 1939 and Ending May 31, 1940 was upon motion of Councilman Carland, seconded by Councilman Divelbiss, passed on its first reading with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye" and Councilman Starnes voted "aye".

Ordinance No. 261, entitled, "An Ordinance Establishing the Procedure for the Selection of the Members of the Civil Service Board chosen by the Officers and Employees in the Classified Service of the City of Asheville; And Being for the Immediate Preservation of the Public Peace and Safety of the Citizens of the City of Asheville is Declared to be an Emergency Ordinance," was unanimously passed on its first reading with the following vote: CouncilmenCarland voted "aye, Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", and Councilman Starnes voted "aye". The Ordinance was immediately put upon its second reading and was unanimously passed with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", and Councilman Starnes voted "aye; The Ordinance was then put upon its third and final reading and was unanimously passed with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye" Councilman Lee voted "aye", and Councilman Starnes voted "aye". The ordinance was ordered published, and will be effective June 8, 1939.

ORDINANCE NO. 261

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR THE SELECTION OF THE MEMBERS OF THE CIVIL SERVICE BOARD CHOSEN BY THE OFFICERS AND EMPLOYEES IN THE CLASSIFIED SERVICE OF THE CITY OF ASHEVILLE: AND BEING FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE AND SAFETY OF THE CITIZENS OF THE CITY OF ASHEVILLE IS DECLARED TO BE AN EMERGENCY ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That there shall be held on Thursday, June 8, 1939, an election for the third member of the Civil Service Board of the City of Asheville. Participants in said election shall be those employees of the City of Asheville in the classified service of said city.

Section 2. That there shall be placed a ballot box in the Central Fire Station of the City of Asheville and a ballot box in the Central Police Station of the City of Asheville at noon Thursday, June 8th, and the Chief of Police and the Chief of the Fire Department shall designate a policeman and a fireman, respectively, to watch said ballot box from 12 o'clock noon until 5 o'clock P.M., during which period of time the voting shall take place.

Section 3. That at 5 o'clock P.M. the said ballot boxes shall be opened, and said ballots counted. That W. C. Hampton, Solicitor of the Police Court, Marshall Orr, Assistant Judge of the Police Court, and Ernest M. Isreal shall count said ballots and setermine what candidate received the highest number of votes. The candidate who received the highest number of votes shall be declared a member of the Civil Service Board.

Section 4. That Ernest M. Isreal shall conduct said election, and shall keep a polling book, and the names of the members of the classified service of the City who participate in said election shall be registered on said polling book.

Section 5. That ballots shall be printed in the office of the City Accountant in mimeograph form, and each employee in the classified service shall receive at central headquarters of either the Police or Fire Department one ballot. That the voter shall write in the name of his candidate for membership on the Civil Service Board.

Section 6. That the City Manager is hereby authorized and directed to mail to each employee in the classified service of the City of Asheville a written notice of said election, as set out in Section 1, Article 10, of the charter of the City of Asheville.

Section 7. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 8. That this ordinance being for the immediate preservation of the public peace and safety of the citizens of the City of Asheville is hereby declared an emergency ordinance to take effect fifteen days after its passage.

I move the adoption of the foregoing ordinance, this 25th day of May, 1939.

J. E. Divelbiss, Jr.
Councilman

Seconded by: Eugene Carland
Cquncilman

Read, approved and adopted, this 25th day of May, 1939.

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

L. Lyone Lee
Mayor

Glenn Morris
City Clerk

May 25, 1939.

Claim of Rebecca Burns for alleged personal injuries was filed by her Attorney, Mr. Sanford Brown, in the amount of $1,000.00, and was referred to the Corporation Counsel and City Manager.

NORTH CAROLINA)
BUNCOMBE COUNTY)

BEFORE THE CITY MANAGER, MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE

REBECCA BURNS)
Plaintiff)
vs.)
CITY OF ASHEVILLE,)
Defendant)

N O T I C E O F C L A I M

REBECCA BURNS, claimant above named, hereby gives notice and makes claim as follows:

I.

That the claimant is of age and has her residence at 59 Blanton Street, in the City of Asheville, North Carolina.

II.

That the claimant was injured and damaged about 7:30 A.M., on the 26th day of April, 1939, from falling in a deep open and unguarded hole in the sidewalk between the paved portion of same and the curb on the West side of Biltmore Avenue approximately twenty feet North of its intersection with Coxe Street, in the City of Asheville, County of Buncombe and State of North Carolina.

III.

That the extent of the injuries sustained by the claimant on the aforestated occasion are that her right leg, hip and back are badly wrenched, sprained, lacerated and bruised to the extent that the services of a physician were required for the treatment of same, and that she was completely disabled therefrom for several days, and that she continues to suffer from the effects thereof.

IV.

That by reason of the pain, suffering loss of time, and expenses incurred in the form of doctors bills, nurses bills, medicine bills and other care occasioned by the injuries sustained by the claimant on the aforestated occasion claimant has been injured and damaged and hereby makes claim against the City of Asheville in the sum of One Thousand Dollars ($1,000.00).

Submitted this the 25th day of May, 1939.

Sanford W. Brown
Attorney for Claimant.

There being no further business, the meeting was upon motion, adjourned.

L. Lyone Lee
Mayor

Glenn Morris
City Clerk

June 1, 1939, 4:30 P.M.

The City Council met in regular session Thursday, June 1, 1939, in the Council Chamber, with Vice-Mayor L. Lyone Lee presiding. Present: Councilmen C. R. Bamford, H. G. Etheridge, O. E. Starnes, Eugene Carland, J. E. Divelbiss, Jr., P. M. Burdette, City Manager, Philip C. Cocke, Jr., Corporation Counsel, and Vice-Mayor L. Lyone Lee.

Minutes of the previous meeting were read and approved.

Vice-Mayor L. Lyone Lee announced that Mayor Bryson had been called out of town on account of the death of his brother, T. S. Bryson of Achilli, Okla.

Mr. R. T. Smathers, owner of the Smathers Coal Company of Emma, N. C., filed a petition signed by 19 small coal dealers protesting change in the Privilege Tax on Coal Dealers.

Mr. M. A. James, Attorney, appeared for the Flower Venders asking that they be allowed to remain in their present place, namely College St.

Ordinance No. 260, entitled, "An Ordinance Levying, Assessing, Imposing, and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal Year Beginning June 1, 1939 and ending May 31, 1940", was then put on its second reading, with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "present", and Councilman Starnes voted "aye".

Ordinance No. 259, entitled, "An Ordinance to Provide for the Regulations of Frozen Food Products Manufactured, Sold or Offered for Sale within the Corporate Limits of the City of Asheville" was brought up for second reading, and after lengthy discussion for and against the Ordinance, it was upon motion of Councilman Bamford, seconded by Councilman Carland, "tabled" pending additional data from the United States Public Health Service.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk.

June 8, 1939, 4:30 P. M.

The City Council met in regular session Thursday, June 8, 1939, in the Council Chamber, with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, Eugene Carland, L. Lyone Lee, H. G. Etheridge, J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Ordinance No. 260, entitled, "An Ordinance Levying, Assessing, Imposing and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal Year Beginning June 1, 1939 and Ending May 31, 1940" was brought up for final passage.

Mr. M. A. James, Attorney, presented petition signed by several hundred persons asking that the flower venders be not moved from their present location. After discussion, the ordinance was then brought up for vote, which was as follows: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye" and Councilman Bryson voted "aye". The Ordinance was ordered published and will be effective fifteen days after publication, namely June 26, 1939.

On motion of Councilman Carland, seconded by Councilman Bamford that reading of Ordinance No. 260 be dispensed with as each Councilmen had had a copy of the ordinance for more than three weeks.

ORDINANCE NO. 260

LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1939, AND ENDING MAY 31, 1940.

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations or doing the act named, within the corporate limits of the City of Asheville, from the first day od June, 1939, to the thirty-first day of May, 1940, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office, of the Director of Finance. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall except as hereinafter provided apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon the payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business license, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3.

(a) That any person, firm, or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or if the owner be a firm, the names of all members of such firm, or if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person interested in or connected with such business, to give evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jungle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Showd, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists.
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless be shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screen or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine:

1.	Pawnbrokers	$1,000.00
2.	Junk Dealers	1,000.00
3.	Electrical Contractors	1,000.00
4.	Electric Sign Contractors and Hangers	500.00
5.	Plumbing Contractors	1,000.00
6.	Sidewalk or Paving Contractors doing any work on sidewalk or streets costing not over $300.00	100.00
	Doing such work costing over $300.00	1,000.00
7.	House Movers	500.00
8.	Taxicabs	500.00

Section 5.

That whenever the work "person" is ised in this ordinance, the same shall be construed to include "firms", "companies", "corporations, " and "associations,".

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after June 1, 1939, and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statement as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7

When any business is begun after June 1, 1939, the tax in such case may be reduced in proportion to the number of full quarters that have elapsed since June 1, 1939, unless otherwise provided in the section fixing the tax. Provided, however, that no license shall be issued for less than One ($1.00) Dollar.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such increase tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such bisiness is conducted after revocation or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiacal years of 1939-40, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

All license taxes imposed by this ordinance shall be due June 1, of each year for which the tax is levied, and shall become payable upon the date that this ordinance shall become effective and the tax may be paid in quarterly installments, at the request of the taxpayer; provided, however, that not less than one-fourth of the total tax may be paid in any one installment. If any installment shall not be paid on or before the first day of the quarter upon which the same shall become due, then all unpaid installments shall immediately become due and payable, together with a two (2%) per cent penalty per month upon the entire unpaid balance. All license taxes imposed by this ordinance shall become due and payable in advance, and if any person shall fail to pay any license tax required by this ordinance by September 1, 1939, 2% per month of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the two (2%) per centum per month thereof, has been paid. The additional of the two (2%) per centum per month on the amount of said license shall not exempt the delinquent from the penalties herein prescribed in case of delinquency.

Section 15.

When a license is issued, it is presumed that the location of the business of the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or illegally operated the City Manager has the authority to revoke the license.

LICENSE SCHEDULE

Section 16

"A"

ABATTOIR, OR SLAUGHTER HOUSE.

Per annum ---------- $50.00

ACCOUNTANTS.

Exempt by State Statutes.

ADVERTISING.

Not specifically taxed.

ADVERTISING CONT'D

Every person, firm, or corporation, engaged in the business of soliciting or contracting for advertising, or engaged in the business of advertising, and not specifically classified and taxed by this article, where tax is not prohibited by State Statutes, shall pay a license tax of, per annum ---------- 15.00

Provided, that this tax shall not apply to newspapers or periodicals published in the City.

ADVERTISING, OUTDOOR--BILLBOARDS.

Every person, firm, or corporation, which is engaged or engages in the business of outdoor advertising by means of sign boards, poster boards, or printed bulletins, or any other outdoor advertising devices, erected upon grounds, walls, or roofs of buildings, shall pay a license tax of, per annum ---------- 100.00

(a) Every person, firm or corporation, owning or maintaining sign boards, poster boards, painted bulletins, printed bulletins, or other outdoor advertisements of any nature, shall have imprinted on the same the name of such person, firm, or corporation in sufficient size to be plainly visible and permanently affixed thereto.

(b) Distribution in the City of Asheville, or sign-tacking, advertising by tacking, posting on poles, trees, buildings, fences, or other structures, except on licensed billboards, PROHIBITED.

ADVERTISING--DISTRIBUTORS OF SAMPLES, PRINTED ADVERTISEMENTS, AND CIRCULARS.

Every person, firm, or corporation, distributing samples, circulars, handbills, or other printed matter from house to house, or person to person, anywhere within the corporate limits of the City of Asheville, shall pay a license tax of, per annum ---------- 100.00

For one distribution, where the annual tax has not been paid ---------- $ 1.00

PROVIDED, that all distributions of handbills, circulars, or other printed matter, shall be delivered to someone in each residence or business house, or shall be placed under the front door of each residence or business house, or between the front door and the screen. Also, each person, firm, or corporation, distributing said circulars, handbills, or other printed matter, shall have the name of such person, firm, or corporation, on each handbill, circular, or other printed matter, in sufficient size to be plainly visible and permanently affixed thereto; and distribution of handbills, circulars, or other printed matter, other than provided in this proviso, is hereby PROHIBITED.

ADVERTISING PLACARDS.

Every person, firm, or corporation, in, or on, whose premises, building, or place of business, placards are placed for advertising purposes, and who make a charge therefor, shall pay a license tax of, per annum ---------- $ 25.00

Provided, that every person engaged in the business of operating street cars and/or busses and placing or allowing to be placed within or on such cars, placards for advertising purposes, and making a charge therefor, shall pay a license tax, of per annum ---------- $100.00

ADVERTISING BY USE OF PICTURE MACHINES.

Every person, firm, or corporation, operating a moving picture machine, and selling the use of the same for advertising purposes, shall pay an annual license tax as follows:

(a) In each place where the advertisement is run, having a seating capacity of less than three hundred (300) ---------- $ 20.00

(b) In each place where the advertisement is eun, having a seating capacity of three hundred (300) and less than one thousand (1,000) ---------- $ 35.00

(c) In each place where the advertisement is run, having a seating capacity of one thousand (1,000) or over ---------- $ 50.00

ADVERTISING BY WAGON OR VEHICLE DRIVEN THROUGH STREETS WITH ADVERTISING SIGNS.

Per annum ---------- $ 10.00

NOT PRORATED.

PROVIDED, that no tax shall be collected where the persons advertising place signs on their own vehicles, or for advertisement of football or baseball games.

PROVIDED, further, that the provisions of this section shall apply to all itinerants as defined herein who place advertisement signs on their vehicles.

AGENTS NOT SPECIFICALLY TAXED.

Every person, engaged in business as an agent, having the agency for the manufacturer, producer, or distributor, and not specifically taxed by some other section of this License Schedule, shall pay a tax of, per annum ---------- $25.00

AGRICULTURAL IMPLEMENTS AND MACHINERY.

Every person, firm, or corporation, engaged in the business of selling of agricultural implements and machinery, shall pay a tax of, per annum ---------- 25.00

AMUSEMENT DEVICES (SEPARATE FROM A CARNIVAL)

See "Riding Devices."

ADVERTISING BY WAGON OR VEHICLE DRIVEN THROUGH STREETS WITH ADVERTISING SIGNS.

Per annum ---------- $ 10.00

NOT PRORATED.

PROVIDED, that no tax shall be collected where the persons advertising place signs on their own vehicles, or for advertisement of football or baseball games.

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AGENTS NOT SPECIFICALLY TAXED.

Every person, engaged in business as an agent, having the agency for the manufacturer, producer, or distributor, and not specifically taxed by some other section of this License Schedule, shall pay a tax of, per annum ---------- $ 25.00

AGRICULTURAL IMPLEMENTS AND MACHINERY.

Every person, firm, or corporation engaged in the business of selling agricultural implements and machinery, shall pay a tax of, per annum ---------- 25.00

AMUSEMENT DEVICES (SEPARATE FROM A CARNIVAL)

See "Riding Devices."

AMUSEMENT PARKS.

Every person, firm, or corporation, engaged in the business of operating a park open to the public as a place of amusement, in which there may be either a bowling alley, trained animal show, penny or nickel machine for exhibiting pictures, moving picture show, theatrical performance, or similar entertainment, shall pay for the privilege of conducting such amusement park, a license tax as follows:

Municipal license for two (2) months or less ----------	200.00
Municipal license for four (4) months ----------	400.00
Municipal license for eight (8) months ----------	600.00
Municipal license for twelve (12) months ----------	800.00

PROVIDED, the payment of the tax shall not authorize the operation of a carnival, circus, or show of any kind that moves from place to place.

ANTIQUE FURNITURE--DEALERS IN.

Per annum ----------	25.00
Itinerant, per annum ----------	100.00

ANTIQUE SHOPS.

Every person, firm, or corporation, selling or distributing what is commonly termed antiques, shall pay a license tax of, per annum ---------- 25.00

ARCADES, PENNY PARLORS, PEEP SHOWS.

Each per annum ---------- $200.00

ARCHITECTS.

Exempt by State Statutes.

ART GOODS, MANUFACTURERS OR DEALERS IN.

Residential retail dealers ----------	10.00
Itinerant ----------	100.00

ASPHALT OR ASPHALT SUPPLIES.

Dealers, sellers, or distributors in, each, per annum ---------- 50.00

PROVIDED, when building material tax is paid, no additional tax shall be collected under this section.

ATHLETIC SUPPLIES AND SPORTING GOODS.

Every person, firm, or corporation, selling or distributing athletic supplies or sporting goods, shall pay a license tax of, per annum ---------- 25.00

PROVIDED, every person, firm or corporation selling athletic supplies and sporting goods, where the gross sales are less than $3,000 annually, shall pay a license of, per annum ---------- 10.00

ATTORNEYS.

Exempt by State Statutes.

AUCTIONEERS.

(a) Every person, firm or corporation, that conducts auction sales of anything other than real estate, shall pay an annual tax of, as follows:

Residents, each, per year ----------	10.00
Itinerants, each per day ----------	5.00
Itinerants, each per week ----------	10.00

(b) Every person, firm, or corporation, that conducts auction sales of real estate for profit, shall pay a license tax of:

Residents, each per sale ----------	12.50
Residents, each, per year ----------	25.00
Itinerants, each, per day ----------	25.00

NOT PRORATED.

AUTOMOBILE, MOTORCYCLE AND MOTOR VEHICLE, DEALERS: AND SERVICE STATIONS:

(a) Automobile Service Stations: Every person, firm or corporation, engaged in the business of servicing, storing, painting, or upholstering of motor vehicles, trailers, or semi-trailers, or engaged in the business of retailing, selling, and/or delivering of any tires, tools, batteries, electrical equipment, automotive accessories or supplies, including radios designed for exclusive use in automobiles, motor fuel and/or lubricants, or any such commodities, shall pay for each location where such business is carried on, a license tax of, per annum ---------- 12.50

(b) Automobile Service Stations, on Sidewalks or Streets: Every person, firm or corporation, engaged in the business of operating any gasoline or oil pump located on any street or sidewalk, whether such pump is regularly used for the sale of gasoline, or oil, or not, shall pay therefor an annual license tax of, per pump ---------- 50.00

PROVIDED, all such tanks must be installed under the direct supervision and according to the instructions of the Director of Public Works, A permit to install same must be obtained from the City Manager. The Council reserves the right, however, to prohibit the installation of sich tanks on public property within the congested district of said municipality. This tax is for the right to use the sidewalk and is in addition to taxes levied by this ordinance on Automotive Service Stations.

(c) Automobile Equipment and Supply Dealers at Wholesale:

Every person, firm, or corporation, engaged in the business of buying, selling, distributing, exchanging, and/or delivering automobile accessories, parts, tires, tools, batteries, and for other autmobile equipment and for other supplies, or any of such commodities at wholesale shall pay for each location where such business is carried on a license tax for every place of business, of per annum ---------- $32.50

PROVIDED, where the wholesale tax is paid the retail tax is not collectible on sub-section c.

PROVIDED, any person, firm, or corporation, engaged in the business enumerated in this section, and having no located place of business, but selling to retail dealers by use of some form of vehicle, shall pay for such license, on each vehicle carrying on such business, a tax of, per annum ---------- $25.00

(d) Body or Top Builders: Every person, engaged in the business of building bodies or tops for automobiles, busses, or trucks, including necessary curtains, shall pay therefor a license tax, of per annum ---------- $12.50

(e) Curtain Manufacturers: Every person, engaged in the business of manufacture of curtains for automobiles, busses, or trucks, and not building bodies or tops for such automobiles, busses, or trucks, shall pay therefor a license tax of, per annum ---------- 12.50

(f) Motorcycle Dealers: Every person engaged in the business of buying, selling, distributing, and/or exchanging motorcycles or motorcycle supplies, or any such commodities, shall pay therefor a license tax of, per annum ---------- $10.00

(g) Motor Vehicle Dealers: Every person engaged in the business of buying selling, distributing, servicing, storing, and/or exchanging motor vehicles, trailers, semi-trailers, tires, tools, and batteries, electrical equipment, lubricants, and/or automotive equipment and supplies, shall pay for each location at which such business is carried on, a license tax of, per annum ---------- $50.00

PROVIDED, that persons, firms, or corporations, dealing in second-hand or used motor vehicles exclusively, shall be liable for only ---------- 50.00

(h) Automobile Equipment, Used Parts: Every person, firm, or corporation buying and selling second-hand, used parts for automobile or repairing automobiles, shall pay a license tax for each business of, per annum ---------- 12.50

CITY AUTOMOBILE AND TRUCK TAGS.

Every person, firm, or corporation, resident of the City of Asheville, owing or operating a motor vehicle within the Corporate Limits, shall, on the first day of January of each year, purchase from the City Tax Collector, a metallic, registration tag, said tags, to be numbered consecutively, and as each tag is issued an alphabetical and numerical record is to be kept of same. This tag is to be prominently displayed on each motor vehicle and the purchase price of these tags is to be One Dollar. Upon satisfactory proof that said tag has been lost, stolen, or destroyed, a duplicate tag shall be issued and a fee of Twenty-five cents charged.

AWNINGS AND TENTS.

Every person, firm, or corporation, operating any business of manufacturing, selling, installing, or erecting tents or awnings, shall pay a license of:

Per annum ----------	50.00
Itinerants, each ----------	100.00

NOT PRORATED.

PROVIDED, that where stores sell ready-made standard size window awnings only, not more than 48 inches in width, they shall pay a license tax of, per annum ----------$15.00

"B"

BAKERY PRODUCTS, CAKES, CRACKERS, AND DOUGHNUTS.

(a) Every person, firm, or corporation, operating a bakery or preparing or manufacturing bread, cakes, crackers, or doughnuts, shall if selling at retail, pay a license tax of, per annum ----------$25.00

(b) Selling bakery products, including bread, crackers, or cakes, and doughnuts, at wholesale, per annum ---------- 125.00

PROVIDED, that any person, firm or corporationm selling and delivering bakery products, including bread, cakes, crackers, or doughnuts, manufactured outside of the city, shall pay for each vehicle used in delivering such products within the city, a license tax of, per annum ---------- 150.00

PROVIDED, further, that this tax shall not apply to merchants selling bakery products, bread, cakes, crackers, or doughnuts, in connection with a regular merchandise business; and, provided, further that it shall be unlawful for any person, firm, or corporation, selling or delivering bakery products after the passage of this ordinance to sell or deliver any such products from a vehicle unless such vehicle shall have plainly and visibly painted on it the name of the person, firm or corporation, operating same, together with the name of the city where such bakery products are manufactured and to also procure from the Health Officer a "Bakert Delivery Permit", the number of which permut must be on such vehicle.

Doughnuts, machines ---------- $10.00

Bakery Products, small pies that retail for not over 5 cents, per annum ---------- $10.00

The foregoing shall not be collected from restaurants, on which restaurant tax has been paid.

BALLOONS, NOVELTIES, SOUVENIRS, CURIOS, FLAGS, ETC.

Every individual selling or offering for sale balloons, novelties, souvenirs, curios, flags, needles, sewing equipment, paring knives, cooking utensils, or other instruments, for the preparation of foods, or other classes of merchandise not specifically licensed or taxed herein, or ice cream, soft drinks, lunches, and fruits, shall pay a license tax of:

Per day ----------	7.50
Per week ----------	15.00
Per month ----------	50.00

PROVIDED, that such tax shall not apply to any merchant selling said articles as part of a regular merchandise, business and paying the tax prescribed for merchants; and, provided, that no person shall sell any food products under this section without first obtaining a written permit from the Health Officer.

BANKRUPT OF FIRE STOCK.

Every itinerant salesman or merchant who shall expose for sale either on a lot or in a house or store building rented temporarily for that purpose, any goods, wares, or merchandisem bankrupt or receiver's stock, or fire stock, not being a regular merchant in the city, shall apply for in advance a license for the privilege of transacting such business, and shall pay for such license a tax of, per annum ---------- $100.00

NOT PRORATED.

PROVIDED, that such tax shall not apply to any receiver or trustee conducting a bankrupt sale under order of Court.

BANKS AND TRUST COMPANIES.

Every person, firm, or corporation, engaged in the business of operating any general banking or trust business, and such other business as is ordinarily conducted in connection with bank and trust companies, shall pay a license tax as follows:

If its capital stock does not exceed $100,000.00, per annum - - - - - -	50.00
If its capital stock exceeds $100,000.00, but does not exceed $200,000.00 - -	100.00
If its capital stock exceeds $200,000.00, but does not exceed $300,000.00 per annum -	150.00
If its capital stock exceeds $300,000.00, but does not exceed $500,000.00 per annum -	300.00
If its capital stock exceeds $500,000.00 per annum - - - - - - - - - - -	400.00

BANKS--MORRIS PLAN OR INDUSTRIAL.

(a) Every person, firm, or corporation engaged in the business of operating a Morris Plan or Industrial Bank, shall pay for the privilege of engaging in such business, the following tax:

When the total resources, as of December 31 of the previous year, are less than $250,000.00 -	37.50
$250,000.00 and less than $500,000.00 - - - - - - - - - - - - - - - - -	75.00
$500,000.00 and less than $1,000.00 - - - - - - - - - - - - - - - - - -	112.50
$1,000,000.00 and less than $2,000,000.00 - - - - - - - - - - - - - - -	150.00
$2,000,000.00 and less than $5,000,000.00 - - - - - - - - - - - - - - -	225.00
$5,000,000.00 and over -	300.00

(b) Every person, firm, or corporation, engaged in the business of soliciting loans or deposits for Morris Plan or other Industrual Banks, shall pay a license tax of, per annum- - - $ 25.00

Any bank that shall begin business during the current tax year, the tax shall be calculated on the total resources at the beginning of the business.

BARBER AND/OR BEAUTY COLLEGES.

Per annum - - - - - - - - - - - - - - - - - - -

BLANKET AND/OR RUG SHOPS.

Every person, firm, or corporation operating a business where the principal items are blankets and/or rugs, shall pay a license tax of, per annum ----------$10.00

BLOCKS, CEMENT.

See "Cement Blocks."

BLOWING MACHINES, LIFTING MACHINES, OR ANY EXHIBITION OR PERFORMANCE OF LIKE CHARACTER.

Each, per day ---------- $50.00

BLUEPRINT SHOPS.

Every person, firm or corporation, making or selling or distributing blue prints, each, per annum ---------- $25.00

BOARDING HOUSES AND TOURIST HOMES

(a) Every person, firm, or corporation engaged in the business of operating a tourist home, tourist camp, boarding house, or similar place of advertising in any manner for transient patronage, or soliciting such business, shall pay a license for five rooms or less, per annum ---------- $ 2.50

For each and every additional room ---------- .50

(b) Every person, firm, or corporation engaged in the business of operating a boarding house using no form of advertising or solicitation for transient patronage and having a seating capacity of a dining room in excess of sixteen (16) shall pay a license tax of, per annum ---------- $ 5.00

For each additional seat ---------- .50

BOAT AND BOAT SUPPLIES.

Every person, firm or corporation selling boats, and/or boat supplies, and/or equipment for boats, shall pay a license tax of, per annum ---------- $25.00

BOND MAKERS.

(a) Every person, firm, or corporation, who justifies on any civil bond or makes a bond of any civil nature whatsoever for any other person, firm or corporation, for profit, shall pay a license tax, per annum ---------- $75.00

(b) Every person, firm, or corporation, who justifies on any criminal bond or makes an appearance bond for a defendant in the Criminal Courts within the City of Asheville, and receives compensation therefor, shall pay a license tax of, per annum ---------- $100.00

PROVIDED, that in the event any person, firm, or corporation engages in the business of justifying on or making both civil and criminal bonds for profit, then and in such event, such person, firm, or corporation, shall pay an annual tax of ---------- $150.00

BOOK AGENTS.

Per annum ---------- $25.00

Per day ---------- 2.50

NOT PRORATED.

Each agent shall always carry the license receipt issue and show the same when called to do so bt anyone whom such agent salls on for the purpose of making a sale or demonstration.

BOOKBINDERS.

See "Binder of Books".

BOOK STORES AND STATIONERS.

Every person, firm, or corpora tion, engaged in the business of selling books and stationery, where fifty (50%) per cent or more of the business is derived from the sale of books and stationery, shall pay a license tax of, per annum ---------- $25.00

BOOTBLACK STANDS.

Every person, firm, or corporation, operating any shoeshine parlor or other place open to the public for the shining of shoes, and having two or more seats or chairs, shall be charged per annum, for each seat or chair ---------- .50

BOTTLING WORKS.

(a) Every person, firm, or corporation, manufacturing producing, bottling, or distribution in bottles, or other closed containers, soda water, Coca-Cola, Pepsi-Cola, Ginger Ale Chero-Cola, Dr. Pepper, grape, and other fruit juices or imitations thereof, carbonated or malted beverages, and like preparations, commonly known as soft drinks, shall pay a special license tax under the following schedule, to-wit:

LOW PRESSURE EQUIPMENT:

Where the machine or the equipment unit used in the manufacture of the above named beverages is a:

36 spouts, or greater capacity, low pressure filler ---------- $150.00
32 and less than 36 spouts, low pressure filler ---------- 125.00
24 and less than 32 spouts, low pressure filler ---------- 112.50
18 and less than 24 spouts, low pressure filler ---------- 87.50
12 and less than 18 spouts, low pressure filler ---------- 62.50

HIGH PRESSURE EQUIPMENT:

Where the machine or the equipment unit used in the manufacture of the above named beverage is a:

Royal (8-head); Shields (6-head); or other high pressure equipment having manufacturers' rating capacity of over 60 bottles per minute ---------- $ 150.00

Royal (8-head); Daleson (6-head); (Adriance 6-head) or other high pressure equipment having manufacturers' rating capacity of over 50 and less than 60 bottles per minute ------- $ 125.00

Royal (4 head); Adriance (2-head); Shields (2-head); (full automatic); or other high pressure equipment having manufacturers' rating capacity of more than 40 and less than 50 bottles per minute---------- $ 112.50

Dixie (automatic); Shields (head hand feed); Adriance (10head); Calleson (1-head); Senior (high pressure); Junior (high pressure); or Burns' or other high pressure equipment having manufacturers rating capacity of more than 24 bottles and less than 40 bottles per minute ---------- $ 37.50

Single-Head Shields, Modern Bond (power), Baltimore (semi-automatic), and all other machines, or equipment, having manufacturers' rating capacity of less than 24 bottles per minute, and all foot power bottling machines ---------- 25.00

PROVIDED, that any bottling machine or equipment unit is not herein specifically mentioned shall bear the same tax as a bottling machine or equipment unit of the nearest rated capacity as herein enumerated; provided, that where any person, firm, or corporation association has within his bottling plant or place of manufacture more than one bottling machine or equipment unit, then such person, firm, or corporation or association, shall pay the tax as herein specified upon every such bottling machine or equipment unit whether in actual operation or not.

(b) Every person, firm, corporation, or association distributing at wholesale, or jobbing, bottled beverages, as enumerated in sub-section (a) shall pay an annual license tax of--$12.50

PROVIDED, however, that where the tax levied under subsection (a) has been paid on any of the articles, machines, or equipmeny units enumerated therein, the tax levied under this sub-section shall not apply, nor shall any tax be collected on account of the delivery of the products, beverages, or articles enumerated in sub-section (a), and (b), when a tax has been paid under sub-section (a) or (b).

(c) Aerated, mineral, or other waters, selling or delivering in the city, per annum--$25.00

(d) Every distributing warehouse selling or supplying to retail stores, cereal or carbonated beverages on which the tax has not been paid under the provisions of Subsection (a) of this section shall pay the annual license tax for the privilege of doing business in the City provided in Subsection (b) of this section of ---------- $12.50

(e) Each truck. automobile, or other vehicle coming into this City from another State, and selling and/or delivering carbonated beverages on which the tax has not been paid under the provisions of Subsection (a) of this section, shall pay an annual license tax for the privilege of doing business, in this city, in the sum of $25.00 per truck, automobile, or vehicle. The license secured from the City under this section shall be post ed in the cab of the truck, automobile or vehicle.

BOWIE KNIVES.

Any person, firm, or corporation, who shall keep in stock, or offer for sale, any bowie knives, dirks, daggers, slingshots, loaded canes, or brass, iron or metallic knuckles, shall pay a license tax of, per annum ---------- 200.00

BOWLING ALLEYS.

Every person, firm, or corporation, association, club, or organization, by whatsoever name called, who shall own, rent, maintain or operate a bowling alley or alleys, shall pay on each alley so owned, rented, kept, maintained, or operated, per annum --------- $12.50

BOX FACTORIES.

Per annum ---------- $25.00

BRANCH AND CHAIN STORES.

See "Chain and Branch Stores."

BRASS BANKS, ADVERTISING BY USE OF.

See "Advertising, Outdoor," Sub-section (c)

BRASS KNUCKLES.

See "Bowie Knives."

BROKERS, LOAN AGENTS.

See "Loan Agents or Brokers."

BROKERS, LUMBER.

See "Lumber Agents."

BROKERS, MERCHANDISE AND STOCK.

On every commission merchandise broker or dealer engaged in the buying and selling of goods and merchandise on commission and/or brokerage, a license tax shall be paid of, per annum ---------- $25.00

BROKERS, PAWN.

On every person, firm, or corporation, engaged in lending money or other things for profit, or on account of specific articles of personal property deposited with the lender in place, a license tax of, per annum ---------- $200.00

PROVIDED, where this tax is paid all other license taxes levied by this ordinance, except the tax on items enumerated under the heading of Pistols in this ordinance shall not be collected, but otherwise a $100.00 tax for Pawn Brokers and all other licenses on individual items, shall be collected.

Applicants for pawnbrokers' license must apply to the City Manager in person, for license; and file bond with a company licensed to do such business in the State of North Carolina as surety conditioned as the said Council may determine; which bond, must be approved by the Solicitor of the Police Court; provided, every pawnbroker shall make a daily report to the Chief of Police, such report to give an accurate record of each indivual article received or deposited as surety, showing name and address of owner, description of article, sufficient for identification, amount advanced for loan; such report to be made in a clear, legible hand or on a typewriter.

Any person, firm, or corporation, transacting the business of pawnbroker without a license, as provided in this section, or violating any of the provisions of this section, or violating anh of the provisions of this section, shall be guilty of a misdemeanor, and fined not less than fifty ($50.00) dollars.

BROKERS, STOCK.

Every dealer in stocks, bonds, or other securities, whether engaged in buying or selling on commission, or buying outright, shall pay a license tax of, per annum -- $50.00

BUILDING & LOAN ASSOCIATIONS

Exempt from taxation by Section 138.

BUILDING MATERIAL.

(a) Every person, firm, or corporation, engaged as a dealer in lumber and/or other building materials, glass and paints excepted, shall pay a license tax per annum -$50.00

PROVIDED, where paints and glass are handled with building materials the license shall be ---------- $75.00

(b) Building Material Brokers: Every person, firm or corporation, engaged in the brokerage of building materials, shall pay a license tax of per annum ----- $50.00

(c) Every person, firm, or corporation, hauling or delivering lumber or building material in the City of Asheville, not having paid the tax in sub-section (a) and (b) shall pay the following tax:

On each one-ton truck or less ----------	$ 25.00
On each truck over one ton ----------	$ 50.00
On each two-horse wagon ----------	$ 20.00
On each one-horse wagon ----------	$ 10.00

(d) Every person, firm, or corporation selling or delivering second-hand building material within the City of Asheville shall pay a license tax of, per annum ----- $ 25.00

BUTCHER SUPPLIES.

Dealers in butcher supplies shall pay a license tax of, each per annum - $50.00

BUYING AND SHIPPING OF TELEPHONE POLES, CROSSTIES, LOGS, TAN-BARK, ACID WOOD OR SIMILAR ARTICLES- OFFICE ONLY

Each, per annum ---------- $25.00

"C"

CABINET OR FURNITURE REPAIR SHOPS.

See "Repair Shops".

CAKES AND CRACKERS.

See "Bakery Products."

CAMERAS AND KODAKS.

Every person, firm, or corporation selling or renting cameras or kodaks, per annum ---------- $5.00

CANDY MANUFACTURING OR CANDY KITCHENS.

Every person, firm or corporation manufacturing candy or other confectioneries, employing three persons, or less, shall pay per annum ---------- 25.00

Where employing more than three persons, per annum ---------- 50.00

CANDY.

At wholesale, where twenty (20%) per cent of the business done is the selling of candy, per annum ---------- 75.00

Every person, firm or corporation selling candy at retailm where gross sales are less than $500.00 per annum, shall pay a license tax of, per annum ---- 2.50

At wholesale, where less than twenty (20%) per cent of the business done is the selling of candy, per annum ---------- 10.00

Every person, firm or corporation selling candy at retail, where gross sales are more than $500.00 per annum, shall pay a license tax of, per annum ---- 5.00

On each truck or passenger car delivering candy or chewing gum or peanut products or other confectioneries, or tobacco products, for concerns which have not paid the wholesale tax herein levied, per annum ---------- 25.00

Not prorated.

CANES, LOADED.

See "Bowie Knives."

CANE RACKS.

Racks for canes or knives, each, per day ---------- $15.00

CANVASSERS.

Every person, firm or corporation engaged in the business of canvassing per annum ---------- 5.00

Not prorated.

A canvasser shall mean anyone who solicits orders for business, or calls from house to house anywhere within the corporate limits of the City of Asheville.

CAP PISTOLS.

See "Fire Works."

CARBIDE MANUFACTURERS OR DISTRIBUTORS.

Every person, firm or corporation, engaged in the business of manufacturing or selling or distributing carbide, per annum ---------- 15.00

CARNIVAL COMPANIES.

Every person, firm, or corporation, engaged in the business of a carnival company or a show of like kind, moving pictures, and vaudeville shows, museum and menageries, merry-go-rounds, ferris wheels, riding devices, and other like amusements and enterprises, conducted for profit, under the same general management; or an aggregate of shows, amusements, eating places, riding devices, or any of them operating together on the same lot or contiguous lot or streets, traveling from place to place, whether owned and actually operated by separate persons, firms, or corporations, or not filling week-stand engagements, or giving week-stand exhibitions, under canvas or not, or a part of a week, shall pay for the privilege of engaging in such business or amusements, for each week, or part of a week, a tax of - - $150.00

PROVIDED, before any carnival company shall give any performance or exhibition, or open for the conduct of business within the corporate limits of the City of Asheville, an application in writing shall be made to the City Council, verified by the owner or manager of such carnival company, giving the following information:

The nake of the owner of such carnival company, and in the event such owner is a corporation, the state where chartered, and its office or principal place of business, together with names of the officers of such corporations, or if a partnership, the names of all the partners; also, the route for a period of three weeks following the playing in the City of Asheville.

Only one carnival will be licensed to play within the corporate limits of the City during any one month, and in the event of the granting of any license permit, such permit shall authorize only the operation of the exhibition known as "shows" or "rides", and the operation of any gambling games, including "wheels", "stores", or other concessions, are expressly prohibited, and the right is hereby reserved to refuse any and all applications for permits, and in no event will any rebates, reductions from the tax levied, be made for any cause or purpose whatsoever.

A cash deposit of fifty dollars will be required for each carnival before "setting up" on lot, to defray the expenses of the Sanitary Department for cleaning up the lot used. The actual cost of cleaning will be charged and a refund will be made in the event of any surplus.

CARPET OR RUG CLEANING.

Per annum - $25.00

Where license is paid under "Cleaning or Pressing Clubs Establishments" tax is not collectible under this section.

CASKETS, COFFINS--DEALERS IN.

Every person, firm or corporation, engaged in the business of buying, and/or embalming the dead, or in the retail of coffins, caskets, or other funeral supplies, shall pay a license tax of per annum - 100.00

PROVIDED, this section shall not apply to a cabinet-maker who is not an undertaker, who makes coffins to order, nor to licensed embalmers.

CEMENT BLOCKS.

Manufacturers of cement blocks, or pipe manufacturers, each per annum - 25.00

CEMENT--READY MIXED

Every person, firm or corporation dealing in Ready-Mixed Cement shall pay a license tax of per annum - 25.00

CEREAL MANUFACTURERS.

Every person, firm or corporation, manufacturing cereals, shall pay a license tax of, per annum - 25.00

CHAUTAUQUAS AND ENTERTAINMENTS--CHARITABLE

Per week or part of week - 20.00

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects, shall be exempt from taxation.

Provided, that when operas, chautauquas, star courses, or theatrical troupes, are employed, such an usually appear in licensed halls, then the tax shall be the same as that imposed on traveling theatrical companies performing in unlicensed halls.

PROVIDED, further, that no tax shall be charged for any exhibition or entertainment for the sole benefit of religious, charitable or educational objects, nor for exhibitions given at city parks when no charges for admission are made.

CHAIN AND BRANCH STORES.

Every person, firm, or corporation, engaged in the business of operating or maintaining, under the same general management, supervision, or ownership two or more stores or mercantile establishments in the State, where goods, wares and/or merchandise are sold, or offered for sale at retail, or wholesale, shall be deemed a branch or chain store operator. On each and every such store operated, a license tax shall be paid of, per annum - 50.00

"CHAIN STORE" further defined. The term "chain store" as used in this section shall include stores operated under separate charters of incorporation, if there is ownership of a majority of stock in such separately incorporated companies, and/or if there is similarity of name of such separately incorporated companies, and/or if such separately incorporated companies have the benefit in whole or in part of group purchase of merchandise, or of common management. And in like manner the term "chain store" shall apply to any group of stores where a majroity interest is owned by an individual of partnership.

CHEMISTS, MANUFACTURER.

Each per annum - $15.00

CHEWING GUM, DEALERS IN.

See "Candy".

CHICKENS, DUCKS & TURKEYS.

Every person, firm, or corporation, selling from their business establishment, any chickens, ducks, or turkeys under sic weeks of age, shall pay a license tax of, per annum - 10.00

Not prorated.

CHINA AND QUEENSWARE.

Every person, firm or corporation, engaged in the business of selling china and queensware, shall pay a license tax per annum, as follows:

Where the principal business is from the sale of articles - - - 25.00

Where the principal business is not from the sale of such articles - 5.00

CIGARS, CIGARETTES, AND TOBACCO--RETAILERS AND JOBBERS.

Every person, firm, or corporation, manufacturing cigars, cigarettes, chewing tobacco, smoking tobacco, snuff, or any other tobacco products shall pay a license tax of, per annum - 10.00

Every person, firm, or corporation, engaged in the business of retailing cigars, cigarettes, chewing tobacco, smoking tobacco, snuff, or any other tobacco products, shall pay a license tax of, per annum - 15.00

Every person, firm, or corporation, engaged in the business of retailing, wholesaling, and/or jobbing cigars, cigarettes, chewing tobacco, smoking tobacco products, shall pay a license tax of, per annum - 10.00

CIRCUSES.

Every person, firm, or corporation, engaged in the business of exhibiting performances, such as a circus, menagerie, wild west show dog and/or pony show, or any other shoe, exhibition, or performance similar thereto, shall pay the following tax for each day or pay the following tax for each day or part thereof:

(a) Such shows and/or exhibitions traveling on railroads and requiring transportation of:

Not more than two cars - - - - - - - - - - - - - - - - - - -

CLOTHING, GENTLEMEN'S.

Men's and Boys' Apparel.

Every person, firm or corporation selling men's and boy's apparel at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually	$5.00
2,000 and less than 5,000	10.00
5,000 and less than 10,000	15.00
10,000 and less than 15,000	20.00
15,000 and less than 25,000	25.00
25,000 and less than 35,000	30.00
35,000 and less than 50,000	40.00
50,000 and less than 75,000	50.00
75,000 and over	75.00

CLOTHING, LADIES'.

Women's, Misses' and Girls' apparel.

Every person, firm, or corporation selling women's, misses' and girls' apparel at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually	$ 5.00
2,000 and less than 5,000	10.00
5,000 and less than 10,000	15.00
10,000 and less than 15,000	20.00
15,000 and less than 25,000	25.00
25,000 and less than 35,000	30.00
35,000 and less than 50,000	40.00
50,000 and less than 75,000	50.00
75,000 and over	75.00

CLOTHING--SECOND HAND.

Dealers in second-hand clothing shall pay a license tax of, per annum - - $25.00

Provided, that all such dealers shall secure a permit from the Health Officer.

COAL AND CORK DEALERS.

(a) WHOLESALE: Every person, firm, or corporation, either as agent or principal, engaged in and conducting the business of selling coal or coke in carload lots, or in greater quantities, shall be deemed a wholesale dealer, and shall pay a licebse tax ofm per annum - $75.00

PROVIDED, that is such wholesale dealer shall also sell coal or cork, in less than carload lots, he shall not be subject to the retailers' license tax provided in sub-section (b) hereof.

(b) RETAIL: Every person, firm or corporation, either as agent or principal, engaged in and conducting the business of selling or delivering coal or coke at retail within the corporate limits of the City of Asheville, shall pay a license tax of, per annum - - - - $75.00

PROVIDED, however, that the dealers of peddlers in coal who sell in quantities of 500 lbs. or less shall pay per annum - $25.00

Those who sell in quantities of 100 lbs or less ahall pay, per annum - - - $5.00

NOT PRORATED.

COCA-COLA, BOTTLING WORKS, MERCHANTS OF.

See "Bottling Works."

COFFEE.

See "Tea, Coffee, and Sugar."

COFFEE ROASTERS.

Every person, firm or corporation, engaged in operating one or more coffee roasting machines, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - $25.00

COFFINS, CASKETS--DEALERS IN.

See "Caskets, Coffins, Dealers in."

COLD STORAGE WAREHOUSES.

On each person, firm or corporation, operating a warehouse where sold storage is furnished for any purpose, a license shall be paid, per annum - - - - - - - - - - - - - - $125.00

Where this tax is paid no other warehouse tax shall be paid.

COMMERCIAL AGENTS.

Each, per annum - $25.00

COMMISSION BUYERS AND SELLERS.

Every person, firm or corporation, who or which engages in the business of buying and/or selling on commission any cotton, grain, provisions, or other commodities, either for actual, spot, or instant delivery, shall pay a license tax of, per annum - - - - - - - - - - - - $50.00

CONTRACTORS AND CONSTRUCTION COMPANIES.

(a) Every person, firm or corporation who, for a fixed price, commission, fee or wage, offers or bids to construct within the City of Asheville any building, highway, street, sidewalk, bridge, culvert, sewer, water, or drainage system, electric or steam railway, reservoir, or dam hydraulic or power plant, transmission line or tower, excavation, or grading or other improvement of structure, or any part thereof, shall pay a license tax of, per annum - - - - $10.00

(b) ELECTRICIANS;

Every person, firm or corporation who for a fixed price commission, fee or wage engages in the business with the general public as an electrician shall pay a license tax of, per annum - $20.00

PROVIDED, where only one additional person employed tax shall be - - - - - - $10.00

(c) PAINTERS:

Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public as a painter shall pay a license tax of, per annum - $10.00

And shall pay for each additional workmen, per annum - - - - - - - - - - $ 2.00

PROVIDED, however, that itinerant smokestack and structural steel painters shall pay a license tax of:

Per annum -	$15.00
Per month -	2.50

(d) PLASTERERS.

Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public as a plasterer, shall pay a license tax of, per annum - $20.00

(e) PLUMBERS.

Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public for plumbing, heating, sprinkling and gas fitting shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - $20.00

PROVIDED, that when a licensed plumber employs only one additional person the tax shall be one-half, ($10.00).

(f) Sheet Metal Workers: Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public, doing sheet metal, tinning, roofing, ventilating work or operating a tin shop, shall pay a license tax as follows:

If not more than six persons are employed, per annum	$25.00
Over six persons employed, per annum - - - - - - - -	$50.00

(g) Wreckers: Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public of demolishing, wrecking or tearing down any house or building, shall pay a license tax of, per annum-- $25.00

(h) Miscellaneous Contractors: Every person engaged in business as a contractor, and not otherwise specifically taxed by this article, shall pay a license tax of, per annum-- $15.00

PROVIDED, that no person, firm or corporation doing business under any or all of these sections from a to h herein specified, shall be granted any permit and no inspection shall be made where such permit or inspection is required, unless such person, firm or corporation have paid their City Privilege License as herein specified.

COTTON BROKERS.

See "Brokers, Cotton".

COTTON MILLS.

Every person, firm or corporation, operating a cotton mill, shall pay a license tax of, per annum - $150.00

COUPON BOOKS.

Every person, firm or corporation, issuing, selling and/or delivering books or other similar devices containing coupons or tokens of trade which may be presented at any business house and accepted as a discount, bonus premium, or as an instrument to secure trade or patronage shall pay a license tax of, per annum - $200.00

CREAMERIES, DAIRIES, AND MILK PASTEURIZERS.

(a) Each establishment shall pay a license tax of, per annum - - - - - - - - $200.00

(b) On each motor vehicle hauling or delivering milk products at retail or wholesale, a license tax shall be paid of per annum - - - - - - - - - - - - - - - - - - - $15.00

(c) In each horse-drawn vehicle, a license tax shall be paid of, per annum - - 7.50

PROVIDED, that where the $200.00 license is paid inder sub-section (a), the taxes under sub-section (b) and (c) are not collectible.

"D"

DANCES.

Every person, firm or corporation, operating a dance hall where admission is charged, or where a charge per dance is made, in the City of Asheville, shall pay a license tax of, per annum - $25.00

Where the annual license tax is not paid, per dance - - - - - - - - - 3.00

This tax shall apply to any place where dances are given, regardless of whether other tax is paid or for what purpose the proceeds are to be used.

DANCING SCHOOLS.

Every person, firm or corporation, operating a dancing school, or place for giving ins truction in dancing, shall pay a license tax of, per annum - - - - - - - - - $10.00

DECORATORS.

Every person, firm or corporation, placing decorations or bunting on buildings, streets, or other places, for compensation, shall pay a license tax of - - - - -

Resident - $15.00
Itinerant - $75.00

NOT PRORATED.

DECORATORS, INTERIOR.

See "Interior Decorators."

DELICATESSENS.

Every person, firm, or corporation, operating a delicatessen stand, shall pay a license tax of, per annum - $25.00

However, if restaurant service is given, a tax shall be paid as herein provided for restaurants .

DELIVERY AGENCIES.

Parcel or delivery companies shall pay a license tax, where automobiles or trucks are used, of per annum - $80.00

Provided, however, that persons, firms or corporations, delivering packages, parcels or bundles, and charging for such service and using bicycles, or delivering by either means, shall pay a license tax of, per annum - $15.00

Provided, further, that persons, firms or corporations delivering packages, parcels or bundles, by motorcycle, and charging for such service, shall pay a license tax of, per annum - $30.00

DENTAL LABORATORIES SUPPLIES OR EQUIPMENT.

Every person, firm, or corporation, selling, distributing and/or jobbing, dental supplies, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - $50.00

Provided, however, that the provisions of this section shall not apply to licensed drug stores or licensed dentists.

DENTISTS.

Exempt by State Statutes.

DETECTIVE AGENCIES.

Each, per annum - $20.00

Each employee of any agency, per annum - - - - - - - - - - - - - - - - - - - 5.00

DEVICES, TRADING STAMPS, ETC.

On every person, firm, or corporation, engaged in the business of issuing, selling, and/or delivering trading stamps or checks, receipts, certificates, tokens or other similar devices, or persons engaged in trade or business with the understanding or agreement expressed or implied that the same shall be presented or given by the latter to their patrons as discount, bonus premium or as an inducement to secure trade or patronage, and that the person, firm or corporation, selling, and/or delivering the same will give the persons presenting or promising the same, money or thing of value, or any commission or preference in any way on account of possession or presentation thereof, license tax of, per annum - $200.00

(a) This section shall not be construed to apply to a manufacturer or to a merchant who sells the goods, wares, or merchandise of such manufacturer offering to present to the purchaser or customer a gift of certain value as an inducement to purchase such goods, wares, or merchandise.

DIRECTORIES.

Every person, firm or corporation, compiling, selling, or delivering city directories, shall pay a license tax of, per annum - $25.00

DOGS. (THREE MONTHS OLD OR OVER)

Each, per annum (male and spaded female) - - - - - - - - - - - - - - - - 1.00
Each, per annum (female) - 2.50
Duplicate tags, each - .10

All dogs running at large in a public place between May 1st and October 1st, shall be muzzled or on a leash.

PROVIDED, that any dog caught on the streets of the City of Asheville without a city license, shall be impounded and an impounding feeof $1.00 shall be paid, in addition to the license es prescribed in this ordinance, and if the dog is not called for within five days, the owner shall have no claim on said dog.

If the licenses on dogs are not paid within five days from date of notice, the owner will be subject to a summons to the Police Court of the City of Asheville.

The City Tax Office, upon positive identification of a dog biting any person or any public property, shall notify the owner to confine said dog at a licensed veterinarian for ten days at the owner's expense.

Seven dogs or more, see "Kennels."

NOT PRORATED.

DOUGHNUTS

All Brown Boddy or doughnut machines, each, per annum - - - - - - - - - - - - - $.

DRUG STORE LUNCHES.

See "Restaurants."

DRY GOODS OR NOTIONS AT WHOLESALE.

Every person, firm or corporation selling dry goods, and/or notions, at wholesale, shall pay a license tax of, per annum - $25.00

DYERS.

See "Pressing Clubs."

"E"

EGGS

See "Poultry and Eggs".

ELECTRICAL ENGINEERS.

Exempt by State Statutes.

ELECTRICAL EQUIPMENT, FIXTURES OR SUPPLIES.

Every person, firm or corporation, selling or distributing any electrical equipment, supplies, or fixtures, where the principal business done is electrical equipment, fixtures, or supplies, shall pay a license tax of, per annum - - - - - - - - - - - - - - - $20.00

Where the principal business done is not from the sale of electrical equipment, fixtures, or supplies, a tax of, per annum - 10.00

ELECTRICAL CONTRACTORS, PLUMBERS, STEAM AND GAS FITTERS.

See "Contractors."

ELECTRICAL LIGHT COMPANIES.

On every electric light company, power company, gas company, or street railway company, doing business or having an office within the City, an annual license tax of one per cent on the gross receipts of its said business shall be paid.

ELECTRIC SIGNS.

Every person, firm or corporation, selling, making, or distributing electric signs, shall pay a license tax of, per annum - $25.00

ELEVATORS AND/OR SPRINKLER SYSTEMS.

Every person, firm or corporation engaged in the business of selling or repairing servicing or equipping or installing elevators, shall pay a license tax of, per annum - $50.00

EMBALMERS.

Exempt by State Statutes.

EMPLOYMENT AGENTS AND AGENCIES.

(a) Emigrant Agents: Every emigrant agent or person engaged in the business of procuring laborers for employment outside of Buncombe County, shall pay a license tax of, per annum - $100.00

NOT PRORATED.

Provided, that such tax shall not apply to any resident person for taking laborers to some place outside of Buncombe County for the purpose of using them for his own employment.

(b) Employment Agencies: Every person engaged in the business of operating any agency for employing cooks, house servants, office help, teachers, laborers, or persons for any employment whatsoever, and making a charge for the services rendered, shall pay a license tax of, per annum - $25.00

[illegible].

[illegible], CIRCUS.

Exempt by State Statutes.

[illegible] LITHOGRAPHIC [illegible] ELEMENTS OR SHOPS.

Each, per annum - $25.00

[illegible], CHAUTAUQUA, [illegible], STAR COURSES OR THEATHRICAL TROUPS.

Such as usually appear in licensed halls, tents, or theatres, employed by or for charitable, religious, benevolent, or educational purposes, shall pay a license tax of, for each day or part of day's exhibition, or performance - - - - - $25.00

Provided, however, that if such chautauquas, operas, star course, theatrical troupe, or entertainment, shall contain a State License Tax, as provided under Section 103, Sub-section 3 of the 1939 Revenue Act, shall pay a license tax of, for each week or part thereof - $20.00

EXPLOSIVES.

Every person, firm or corporation, selling and/or distributing dynamite, powder, or other explosives, shall pay a license tax of, per annum - - - - $25.00
License issued subject to Special Ordinance regulating explosives.

EXPRESS COMPANIES.

(a) Every person, firm or corporation, domestic or foreign, engaged in the business of an express company, as defined in the 1939 Revenue Act, shall pay for the privilege of doing such business within the municipal limits, a license tax of per annum - $75.00

When this license is paid the license tax under trucks in section (b) is not collectible.

(b) Every person, firm or corporatio, hauling or delivering express within the corporate limits of the City of Asheville, shall pay an annual license tax as follows:

On each motor vehicle of one ton capacity or less - - - - - - - - - $25.00
On each motor vehicle of more thannone ton capacity and not more than two - $35.00
On each motor vehicle over two ton capacity - - - - - - - - - - - - $40.00

EXHIBITIONS OF EXHIBITS NOT SPECIFICALLY TAXED HEREIN.

Per day - 7.50
Per week - $35.00

"F"

FACTORIES, BARREL, CRATE, BASKET.

See "Barrel Factories."

Factories, Box.

See "Box Factories".

FARM PRODUCTS.

See "Fruits and Produce."

FEATHER RENOVATORS.

Each, per annum - $25.00

FERRIS WHEELS.

See "Riding Devices."

FERTILIZER DEALERS.

Every person, firm or corporation or their agents selling, delivering or distributing fertilizer or plant food, shall pay a license tax of each, per annum - - $25.00

Mixers or manufacturers of fertilizers, shall pay a license tax of, per annum - $50.00

NOT PRORATED.

Provided, however, only the latter shall be collected from a manufacturer who is also a dealer.

FILLING STATIONS.

See "Automobile Service Stations."

FILMS, MANUFACTURE, [illegible] OF LEASING.

EXEMPT BY STATE STATUTES.

FIRE INSURANCE [illegible].

Exempt by State Statutes.

FIREWORKS.

Prohibited by State Statutes.

FISH, ORNAMENTAL.

Every person, firm or corporation, selling gold, silver, or other ornamental fish, alive, for use in an aquarium, bowls, or other ornamental purposes shall pay a license tax of, per annum - $10.00

This tax shall not be collected when a pet shop license is obtained.

FISH, PEDDLERS OF.

Prohibited.

FISH AND OYSTER [illegible].

Each, per annum - $25.00

Provided, that all dealers in fish and oysters shall secure a permit from the Health Officer.

FIVE AND TEN CENT STORES.

Every person, firm or corporation, engaged in the operation of a business commonly known and designated as a "Five and Ten Cent Store", or where the majority of the articles of merchandise are offered for sale and are priced at less than one dollar, shall pay a license tax of, per annum - $300.00

Provided, where this tax of $300.00 is paid, the "Chain Store" license tax, and all other license taxes levied by this ordinance on individual items, shall not be collectible, but otherwise, "Chain Store" tax and all of the other individual items shall be collectible.

FLAGS, ITINERANT SELLING.

See Balloons."

FLOOR FINISHERS.

Floor finishers using electrically operated machinery, shall pay a license tax of, per annum - $10.00

FLORISTS.

(a) On every person, firm or corporation, operating or maintaining a shop or store for the sale of flowers or ornamental plants, a license tax shall be paid of, per annum - $50.00

Provided, that if any person, firm or corporation shall do an annual business of less than $2,500.00 and more than $1,500.00 the license tax on such business shall be - $35.00

Provided, where such annual business is less than $1,500.00, a license tax of, per annum - $25.00

(b) On every person, firm or corporation, operating or maintaining a wagon or truck for the sale of flowers, or ornamental plants on the streets of the city, and not paying the foregoing tax, on each truck or wagon, shall pay a license tax of, per annum - $25.00

The foregoing tax shall NOT BE PRORATED.

(c) Flower Peddlers. Prohibited on all business streets and sidewalks within the fire district, except on curb market. See Curb Market ordinance for regulations.

FLOUR AND/OR GRIST MILLS.

Every person, firm or corporation operating a flour and/or grist mill, shall pay a license tax of, per annum - $50.00

Provided, where small grist mills grinding corn only, shall pay a license tax of, per annum - $10.00

[illegible].

[illegible], per annum on sale of flour, meal and/or feed at wholesale or retail shall pay a license tax of, per annum - - $25.00

[illegible], where retail grocery stores or other retail establishments, whose principal business is not the selling of feed, the tax shall be, per annum on feed - - - - - $5.00

[illegible].

See "Piano Services."

[illegible].

[illegible].

[illegible].

[illegible], per annum - $50.00

Foundries or machine shops buying or selling old scrap brass, copper, or lead, are hereby required to keep the same records as are required of junk dealers.

[illegible].

Every person, firm or corporation, engaged in the business of operating a soda fountain or soft drink stand, shall pay a license tax as follows:

On each carbonator draft arm of each soda fountain, per annum - - - - - $5.00

[illegible].

See "Automobile Service Stations or Sidewalks or Streets."

FRATERNAL INSURANCE ORDERS.

Exempt by State Statutes.

FRUIT PEDDLERS.

See "Fruits and Produce."

FRUIT STANDS.

When the principal articles of sale are fruits and/or vegetables, at retail, a license tax shall be paid, of per annum - - - - - - - - - - - - - - - - - - - $10.00

FRUIT AND PRODUCE--WHOLESALE.

(a) Every person, firm or corporation, who maintains a permanent place of business for the purpose of selling at wholesale, fresh fruits, vegetables, and produce, or the City of Asheville, shall pay a license tax of, per annum - - - - - - - - - - - $50.00

This tax shall not apply to farmers selling or offering for sale fresh fruits, vegetables, or farm products grown by seller.

The annual city license tax must be applied for and secured in advance before offering any of the above products for sale in the City of Asheville. This license cannot be prorated.

FUEL OIL.

Every person, firm or corporation, engaged in the business of selling fuel oil at wholesale or retail, shall pay a license tax of, per annum - - - - - - - - - - - - $25.00

FUR CLOTHING DEALERS.

(a) Every person, firm or corporation, selling either fur coats, chokers, fur scarfs, or other articles made in whole or in part out of fur, where 75 per cent of the gross sales or stock of merchandise carried consists of fur articles, shall pay a license tax of, per annum - $50.00

(b) Every person, firm or corporation, engaged in the business of remodeling, repairing, or storing furs, employing two helpers or less, per annum - - - - - - - - - $15.00

Employing more than two helpers, per annum - - - - - - - - - - - - - - - - - - - $25.00

FURS-HIDES EXCEPTED.

Dealers in green or raw furs, each, per annum - - - - - - - - - - - - - - - - - $25.00

FURNACES, DEALERS IN.

Every person, firm or corporation selling or distributing, or repairing, furnaces, or boilers, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - $50.00

FURNITURE STORES.

Every person, firm or corporation selling furniture, new or second-hand, at retail, having floor space of:

2,000 sq. ft. or less to 4,000 sq. ft. per annum - - -	$15.00
4,000 sq. ft. to 6,000 sq. ft. per annum - - - - - - - -	25.00
6,000 sq. ft. to 8,000 sq. ft. per annum - - - - - - - -	40.00
8,000 sq. ft. to 10,000 sq. ft. per annum - - - - - - - -	60.00
10,000 sq. ft. and over, per annum - - - - - - - - - - - -	80.00

Nothing in this section shall apply to the sale of farm products raised on the premises owned or occupied by the person, firm or corporation, his or its bona-fide agents, or employees, selling the same.

Provided, however, before any person, firm or corporation, who or which sells or offers for sale any fruits or farm produce upon any street, sidewalk or alley, or from any railroad car, such person shall apply to the tax collector of the City of Asheville for a peddling permit filing affidavit, sworn to and subscribed before a person authorized to administer oaths by the Laws of the State of North Carolina, swearing to the fact that all farm products to be sold during the tax year have or will be grown on premises owned or occupied by the person, firm or corporation, his or its bona-fide agent or employee selling the same, with description and location of the premises on which such farm produce or fruits has been grown or will be grown, mail address, and any other information which may be required from such person with reference to such raising or selling of the same. And, if entitled to sell such farm produce without the payment of a license tax herein provided, the tax collector shall issue a permit for such sales and, if liable, such permit shall not be issued until the tax prescribed herein shall have been paid in full. City employees are prohibited from notarizing any affidavit.

(d) Every person, firm or corporation not being a regular merchant in the City of Asheville, who shall display samples, goods, wares or merchandise in any building or hotel room, for the purpose of securing orders for the sale or selling such goods, wares or merchandise, at retail, bankrupt stock or fire stock, shall apply for in advance and procure a license from the collector of special license taxes for the privilege of transacting such business, and shall pay for such license tax of, per annum - $100.00

(e) The provisions of this section shall not apply to any person, firm or corporation who or which sells or offers for sale books, periodicals, printed music, ice, coal, wood for fuel, fish, beef, muttion, pork, bread, cakes, pies, products of the dairy, or articles of their own manufacture, but shall apply to medicine, drugs, or articles assembled.

Provided, the exceptions contained in this section shall not allow permit the sale or barter of any article of merchandise of any kind which is now prohibited or regulated by any other ordinance of the City of Asheville.

(f) Exceptions: Whenever the Board of Commissioners of Buncombe County, upon proper application, exempts from the provisions of this section Confederate soldiers, disabled veterans of the Spanish-American War, disabled soldiers of the World War, who have been bona-fide residents of the State for twelve or more months continually, and the blind, who have been bona-fide residents of the State for twelve or more months continually, widows with children, and such persons present to the collector of special license taxes of the City of Asheville a certified copy of such exceptions by said Board of County Commissioners, and such certificate shall entitle the holder thereof to peddle within the limits of said County without the payment of any license tax to the city, such persons shall be entitled to peddle within the corporate limits of the City of Asheville by reason of such exemptions; provided, however, that such exemption relieves only the holder thereof of the payment of the license tax herein imposed on persons not exempted, but all other ordinances of the City of Asheville, with reference to the sale of goods, wares and merchandise, shall apply to the persons so exempted.

NOT PRORATED.

GRADING, PAVING, SIDEWALKS, SEWER OR STORM SEWERS.

See "Contractors and Construction Companies."

GRAPHOPHONES, PHONOGRAPHS, OR TALKING MACHINES.

See "Organs, Pianos, and Phonographs."

GRAVEL.

See "Building Materials."

GROCERIES.

Wholesale, per annum - $25.00

GUN AND LOCKSMITHS.

Each, per annum - $10.00

GYPSIES AND FORTUNE TELLERS.

PROHIBITED.

"H"

HAIRDRESSERS.

See "Barber Shops, etc.".

HARDWARE DEALERS.

Every person, firm or corporation engaged in the business of selling hardware, shall pay a license tax, per annum, as follows:

Where the principal business is derived from the sale of hardware-----	25.00
Where the principal business is not derived from the sale of hardware-----	5.00

At wholesale, per annum - $ 150.00

Provided, however, that where any person, firm or corporation, operates a business not dealing with furniture exclusively, a tax shall be paid on the floor space devoted to the sale of furniture, but in no case shall the license tax be less than $15.00 per annum.

Every person, firm or corporation buying or exchanging used furniture, shall, before beginning business, secure a permit from the Health Officer.

GALLERIES, PHOTOS.

Each, per annum - $25.00

[illegible] PROHIBITED.

GAMES.

Games for sport or play, including boxing and wrestling matches operated for profit, not herein specifically licensed, each exhibition or game - - - - - - - - $5.00

The foregoing shall not be collected from inter-scholastic or inter-collegiate athletic contests or baseball games.

GAS COMPANIES.

See "Electric Light Companies."

GASOLINE DISTRIBUTORS.

See "Oil and Gasoline."

GASOLINE OR OIL PIPE LINES--ANNUAL.

Laid in or across any public street, sidewalk, or alley, a tax of ten cents per lineal foot of such pipe line.

Provided, however, that no such pipe line shall be laid without first obtaining a license or permut by the City Manager, which license or permit may be granted or refused in the discretion of the Council, in the interest of public safety or convenience.

GIFT AND SOUVENIR SHOPS.

Every person, firm or corporation, engaged in the business of operating a gift or souvenir shop, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - $10.00

GINGERALE, BOTTLING OR WHOLESALE DEALERS.

See "Bottling Works."

GLASS.

Every person, firm or corporation, selling or distributing glass, shall pay a license tax of:

At wholesale, per annum - $100.00
At retail, per annum - 50.00

GOLF, MINIATURE.

Per annum - $ 10.00

GOODS, WARES, AND MERCHANDISE--PEDDLING OF.

(a) Any person, firm or corporation, who or which shall carry from place to place any goods, wares or merchandise, and offer to sell or barter the same, or actually sells or barters the same, shall be deemed a peddler, and shall apply for and procure from the collector of special license taxes a municipal license for the privilege of transacting such business and shall pay for such license the following annual tax:

Peddling on foot, per annum - $ 5.00
Peddling with horsedrawn vehicle, per annum - - - - - - - - - - - - - - - 5.00
Peddling with passenger car or with small trucks, up to and including one-half ton capacity - 7.50
Trucks pf over one-half ton capacity - - - - - - - - - - - - - - - - - - - 12.50

PROVIDED, however, that before license can be issued by the City to permit peddling within the Corporate limits of the City of Asheville, every such person shall exhibit to the Tax Collector his or its state license for the privilegeof peddling.

Any person, firm or corporation employing the service of another as a peddler, whether on a salary or on a commission basis, shall be liable for the payment of taxes levied in this section.

(b) Any person, firm or corporation, who or which sells or offers to sell, from a cart, wagon, truck, automobile, or other vehicle, operated over and upon the streets within the City, any fresh fruits and/or vegetables shall be deemed a peddler within the meaning of this section, and shall pay the annual license tax levied in Sub-section (a) of this section with reference to the character of vehicle employed.

(c) Any person, firm or corporation, who or which sells or offers for sale, from any railway car, fresh fruits and/or vegetables, shall be deemed a peddler within the meaning of this section and shall pay an annual license tax of - - - - - - - - - - - - $25.00

"H"

HARNESS OR SHOE [illegible] MANUFACTURERS.

Each itinerant - - - - - - - - - - - - - - - - - - -

"I"

I[illegible]

See "Balloons."

I[illegible] "RETAIL DEALERS.

(a) Each retail dealer, per annum - $2.50

PROVIDED, that a retail tax shall not be collected from restaurants or drug stores who have paid the prescribed tax.

(b) Every person, firm or corporation engaging in the business of manufacturing or distributing ice cream at wholesale, shall pay a tax of one-eighth (1/8) of a cent for each gallon manufactured, sold, and/or distributed. Reports shall be made to the Director of Finance on such forms as may approve on the 1st day of December and 31st day of May of each tax year, covering all such gross sales during the six months' period, said tax of one-eighth (1/8) of a cent per gallon, shall be paid within and at the time of making said reports. For the purpose of this section, the words "ice cream" shall apply to ice cream, frozen custards, sherbets, water ices and/or similar frozen products.

(c) Ice cream peddlers, shall pay a license tax of, per annum - - - - - - - $25.00

License issued, subject to approval and supervision of the Health Department and before party making application can be granted a license, it will be necessary to have a written statement from the Health Officer that the proposed method of handling ice cream is approved by him.

For the purpose of this section, the words, "ice cream", shall apply to ice cream, frozen custards, sherbets, water ice, and/or similar frozen products.

ICE DELIVERY TRUCK.

Every person, firm, or corporation selling and/or delivering ice which has been purchased from a manufacturer who has paid the ice manufacturer's license, the tax shall be on each vehicle, per annum - $10.00

Every person, firm or corporation selling and/or delivering ice which has been purchased from a manufacturer who has not paid the ice manufacturer's license, the tax shall be per vehicle, per annum - $50.00

PROVIDED, however, that this shall not apply to persons, firms, or corporations, who pay the license tax under "Ice Manufacturers or Dealers."

ICE DEPOT.

On each retail depot with electric refrigeration, a license tax shall be paid of, per annum - $25.00

On each retail depot without electric refrigeration, a license tax shall be paid of, per annum - $10.00

ICE MANUFACTURERS OR DEALERS.

Any person, firm or corporation, manufacturing ice, shall pay a license tax of, per annum - $300.00

PROVIDED, that where the manufacturing plant is outside of the City but the business is selling and delivering within the City, shall pay a license tax of, per annum $300.00

NOT PRORATED.

IMPLEMENTS.

See "Agricultural Implements and Machinery."

INSURANCE AGENTS.

Exempt by State Statutes.

INSURANCE FIRE COMPANIES.

Exempt by State Statutes.

INSURANCE FIRE ADJUSTERS.

Exempt by State Statutes.

INSURANCE--FRATERNAL ORDERS.

Exempt by State Statutes.

INSURANCE--TITLE.

See "Title Insurance."

INTERIOR DECORATING AND WALL-PAPER HANGING.

Every person, firm or corporation engaged in the business of paper-hanging, or engaged in the business of interior decorating, shall pay a license tax, as follows:

Wall-paper hanging, per annum - $10.00
Interior decorating, per annum - 10.00

Interior decorating does not include painting or wall-paper hanging.

"J"

JEWELRY.

Every person, firm or corporation operating a jewelry store, or shop, or selling plated and silverware, shall pay a license tax of, per annum - - - - - - - - - - [illegible]

Every person, firm or corporation having a jewelry department, or selling plated or silverware, but not engaged principally in the sale of jewelry, or plated or silverware, shall pay a license tax of, per annum - [illegible]

JEWELRY STANDS.

Every person, firm or corporation making key rings, tags, etc., in any place other than a building for such purposes, shall pay a license tax of, per annum - - - [illegible]

NOT PRORATED.

PROVIDED, that no person shall be allowed to make jewelry, key rings, tags, and trinkets upon public property or on the streets, sidewalks, or alley-ways of the City.

JEWELRY REPAIR SHOPS--OR WATCHMAKERS.

Every person, firm or corporation operating a jewelry or watch repair shop shall pay a license tax of, per annum - [illegible]

PROVIDED, that where a jewelry shop or store pays jewelry tax, no tax shall be collected hereunder.

JUNK DEALERS.

Every person, firm or corporation, buying or selling junk, shall pay a license of, on each place of business, per annum - [illegible]

Each wagon or truck collecting junk, per annum - - - - - - - - - - - - - [illegible]

Any person, firm or corporation desiring a license hereunder must first make application in person to the City Manager, and will be required to furnish justified bond in the sum of $1,000.00 conditioned according to the City Ordinance applicable thereto.

"K"

KENNELS, DOGS.

Per annum - $50.00

The keeping of seven or more dogs, including pups over three months old, on the same premises, shall constitute the keeping of a kennel.

KNIFE OR CANE RACKS.

See "Cane Knives."

KNIVES.

See "Bowie Knives."

KNUCKLES, BRASS.

See "Bowie Knives."

KODAKS.

See "Cameras."

"L"

LABOR AGENTS, EMIGRATION.

(a) Every person, firm or corporation, either as agent or principal, engaged in soliciting, hiring, and/or contracting with laborers, male or female, in this State, for employment out of the State, shall pay a license tax of, per annum - - [illegible]

(b) Every person, firm or corporation, who or which engages in the business of securing employment for a person or persons and charging therefor a fee, commission, or other compensation, shall pay a license tax of, per annum - - - - - - - - $100.00

PROVIDED, however, that this section shall not apply to any employment agency operated by the Federal Government, the State, or any County or Municipality whose sole business is procuring employment for work in the harvesting of farm crops within the the State of North Carolina.

LAUNDRIES.

Every person, firm or corporation engaged in the business of operating a laundry, including wet and/or damp wash laundries, where the steam, electricity, or other power is used, also including renting towels and other linens, shall pay a license tax of, per annum - $62.50

PROVIDED, that any laundry or other concern doing a gross volume of business of less than $1,000.00 per month shall pay a license tax of, per annum - - - - - - - - - - $25.00

PROVIDED, further, that any laundry not employing in excess of four persons, shall pay a license tax of, per annum - $25.00

PROVIDED, also, that this section shall not apply to washer-women.

Every person, firm, or corporation operating what is commonly called a cash and carry or self service receiving laundry and/or cleaning and pressing shall pay a tax of per annum - $10.00

LAUNDRY AGENTS.

Every person, firm or corporation engaged in the business of operating a laundry outside of Asheville, and soliciting laundry business within the City of Asheville through agents, shall pay a license tax of, per annum - - - - - - - - - - - - $10.00

LAW[illegible].

[illegible] Statutes.

LAWYERS--[illegible].

Exempt by Statutes.

LAYING [illegible] HOUSE.

Each location where admission is charged, except where solely for charitable, religious, or educational purposes - $50.00

LECTURERS--[illegible].

See "Balloons."

LEMONADE STANDS.

On public occasions, same as "Soft Drink Stands."

LIFTING MACHINES, BLOWING [illegible].

Each, per day - $50.00

LIGHTNING ROD AGENTS.

Each lightning rod dealer having a general office, or selling from a receiving point, hall pay a license tax of, per annum - - - - - - - - - - - - - - - - $10.00

LINEN SERVICE.

Every person, firm or corporation renting or placing towels or other linen for a rental or on a fee basis, shall pay a license tax of, per annum - - - - - - $40.00

LINEN STORE.

Every person, firm or corporation engaged in business where the principal items sold are linens, shall pay a license tax of, per annum - - - - - - - - - - - - - - $25.00

LIVERY STABLES.

On every person, firm or corporation, who keeps horses or mules to hire or let, with or without vehicles, or run a hitch and feed stable, a license tax shall be paid of, per annum - $10.00

LOAN AGENCIES OR BROKERS.

Every person, firm or corporation engaged in the regular business of making loans or lending money, and accepting liens on, or contracts of assignment of, salaries or wages or any part thereof, or other security or evidence of debt for repayment of such loans in installment payments or otherwise, maintaining in connection with same any office or other located or established place for the conduct, negotiation, or transaction of such business, and or advertising or soliciting such business in any manner whatsoever, shall be deemed a loan agency, and shall pay a license tax of, per annum- $10.00

PROVIDED, that this shall not be construed to apply to banks, industrial banks, trust companies, building and loan associations, nor installment paper dealers as defined in Section 148 of the Revenue Act of 1939. It shall apply to those persons or concerns operating, or commonly known as loan companies or finance companies, and whose business is as hereinbefore described, and those persons, firms or corporations pursuing the business of lending money and taking as security for the payment of such loan and interest an assignment of wages, or an assignment of wages, or an assignment of wages with power of attorney to collect same, or other order of chattel mortgage or bill of sale upon household or kitchen furniture.

LOAN COMPANIES.

See "Mortgage Loan Companies."

LUBRICATING OIL, ETC.--DEALERS IN.

See "Oil and Gasoline."

LUGGAGE.

(a) Each and every person, firm or corporation where 75 per cent of the gross sales or stock of merchandise carried is luggage, shall pay a license tax of, per annum - - - - - [illegible]

(b) Each and every person, firm or corporation, selling luggage, and where less than 75 per cent of the sales or stock of merchandise consists of luggage shall pay a license tax of, per annum - [illegible]

LUMBER--BROKERS OR [illegible] DEALERS.

Every person, firm or corporation with an office within the City of Asheville, manufacturing, buying and or selling lumber at wholesale, and or handling same upon a brokerage or commission basis, shall pay a license tax of, per annum - - - - - - - - - - - [illegible]

LUMBER DEALERS.

See "Building Materials."

LUNCH--DRUG STORES.

See "Restaurants."

LUNCH ROOMS AND RESTAURANTS.

See "Restaurants."

LUNCHES--ITINERANTS SELLING

See "Balloons."

LUCEUM BUREAUS AND CHAUTAUQUA BUREAUS.

Each, per annum - [illegible]

"M"

MACHINE SHOPS.

Each, per annum - [illegible]

MACHINES, SLOT LOCK, AMUSEMENT, MERCHANDISING, OR VENDING DEVICES.

Every person, firm or corporation engaged in operating within the City of Asheville any slot machine, wherein is kept any article to be purchased by depositing any coin or thing of value or for which may be had any article of merchandise, or any machine wherein may be seen any picture or heard any music by depositing any coin or thing of value, or any slot weighing machine or any machine for making stencils by the use of contrivances operated by depositing in the machine any coin or thing of value, or where any game is played or any lock operated by slot wherein money or thing of value is to be deposited, shall pay for each machine or lock the following license tax, per annum

Music machine -	[illegible]
Amusement games or devices, requiring deposits of less than five cents - - - - -	[illegible]
Amusement games or devices, requiring deposits of five cents and not more than nine cents -	10.00
Amusement games or devices, requiring deposits of not less than 10 cents and not more than 24 cents -	25.00
Amusement games or devices, requiring deposits of not less than 25 cents and not more than 49 cents -	50.00
Amusement games or devices requiring deposits of not less than 50 cents and not more than 99 cents -	115.00
Amusement games or devices, requiring deposits of not less than one dollar and over -	[illegible]
Candy vending machines, requiring a deposit of five cents or over - - - - -	[illegible]
Slot Pool Tables measuring not more than 2' x 4' - - - - - - - - - - - - - - -	2.50
Slot Pool Tables measuring not more than 2½' x 5' - - - - - - - - - - - - - - -	5.00
Slot Pool Tables measuring not more than 3' x 6' - - - - - - - - - - - - - - -	7.50
Slot Pool Tables measuring not more than 3½ x 8' - - - - - - - - - - - - - - -	10.00
Slot Pool Tables measuring not more than 3½' x 8' - - - - - - - - - - - - - - -	12.50
Cigarette vending machines -	10.00
Plus the Retailer's Tobacco License on each machine, unless such machine is placed or located wherein a Retailer's Tobacco License has already been secured.	
On all other 1¢ machines, not prohibited by the State Revenue Act, operated by slot lock, shall be on each machine - - - - - - - - - -	2.50

PROVIDED, that every person, firm or corporation who engages in the business of leasing, renting, letting on shares, selling, or who engages in the business of placing on location within the City any 5¢ candy vending machines shall pay an operator's occupational tax of, per annum - 5.00
Or cigarette vending machines, per annum - - - - - - - - - - - - - - - - - - - 10.00

PROVIDED, further, that nothing contained in this Section shall have the effect of making legal any machine or device that is per se a gambling machine or device.

NOT PRORATED.

PROVIDED, the foregoing shall not apply to those items enumerated in Section 129 of the Revenue Act of 1939.

PROVIDED, however, that this section shall not apply to machines owned and operated by and retail merchant in his own place of business for delivering merchandise of the market value of the coin deposited; nor shall it apply to slot machines from which drinking cups are delivered at not more than one cent per cup.

The operator or owner of each and every slot machine or slot look shall keep posted a label that is issued with the license, same to be pasted on each machine.

Any slot machine being operated without being properly licensed, shall be confiscated and/or sealed by the Tax Collecting authorities and same shall not be released until said tax is paid, and a penalty of Two Dollars for each machine so confiscated or sealed. Any person breaking a seal and operating such machine after same has been sealed, shall be liable to a penalty of $50.00 for offense.

MACHINERY.

See "Agricultural Implements and Machinery."

MAKING OF BONDS.

See "Bond Makers."

MANICURISTS.

Resident, per annum - $5.00
Itinerant, per annum - 50.00

MANUFACTURING--MISCELLANEOUS.

Every person, firm or corporation engaged in the business of manufacturing any product not taxed under this Schedule, shall pay a license tax of, per annum - $25.00

MASSAGE ESTABLISHMENTS.

Each, per annum - $25.00
Itinerant, per day - 5.00

MATCHES--WRESTLING.

See "Games."

MATTRESS FACTORIES OR RENOVATORS.

Each, per annum - $25.00

MEATS.

(a) Every person, firm or corporation engaged in the operation of a meat market, shall pay the tax in accordance with the classification hereinafter set forth:

CLASS A:

Meat markets selling 500 pounds or less of fresh meats per week, each, per annum - $25.00

CLASS B:

Meat markets selling over 500 pounds of fresh meat per week, each, per annum - $50.00

PROVIDED, that such license tax shall be paid for each meat market operated within the corporate limits of the City of Asheville.

(b) Every person, firm or corporation engaged in the wholesale distribution or sale of fresh or cured meats - - - - - - - - - - - - - - - - - $50.00

(c) Every person, firm or corporation storing, jobbing, or selling meats of any kind from warehouses within the city limits - - - - - - - - - - $150.00

PROVIDED, that the provisions of this section shall not apply to any persons, firm or corporations who have paid the tax levied on packing houses.

NOTE: Meat not having been salted longer than twenty days shall be considered fresh meat, and the license shall be collected as itemized on retail and wholesale dealers of fresh meats. PROVIDED, that from and after the passage of this Ordinance it shall be unlawful for any person, firm or corporation to operate a meat market without first obtaining a meat market permit from the Health Officer which must be in force during period of operation and a copy of the same must be conspicuously posted at all times within the said market so as to be plainly visible to all customers who may patronize such market.

PROVIDED, further, that the Director of Finance may require at any time an affidavit from the operator of any week, during the tax year, and if during any week of the tax year a meat market in Class A sells more than 500 pounds of meat, then said Class A meat market shall be rated as Class B, and shall be liable for tax in accordance with Class B schedule.

MEAT DISTRIBUTORS.

Every person, firm or corporation selling, distributing and delivering meat at wholesale or retail, and not having a place of business in the City of Asheville, shall pay a license tax of, per annum - .00

Handling sheep only - - - - - - - - - - - - - - - - - - -

"See Pictures".

[illegible]

Every person, firm or corporation engaged in the business of erecting, manufacturing, placing, selling or offering for sale monuments, marble tablets, grave stones, or soliciting orders therefor, shall pay a license tax of, per annum - - - - - - $10.00

MOP OR BROOM FACTORY.

Every person, firm or corporation manufacturing or assembling mops or brooms, shall pay a license tax of, per annum - $25.00

MOTOR VEHICLES.

See "Automobile, Motorcycles, Motor Vehicle --Dealers In."

MOVING PICTURE SHOWS.

On each room, hall, tent, or air-drome used as a moving picture or vaudeville show, or kindred license tax as follows shall be paid:

On each place having a seating capacity of less than 500 - - - - - $125.00
On each place having a seating capacity of 500 or less than 1,000 - $175.00
On each place having a seating capacity over 1,000 $212.00

PROVIDED, any moving picture show operating more than two (2) miles from the business center of the city of Asheville (for the purpose of this provision the term "business center" being defined as the intersection of the principal business streets of the city of Asheville), the territory in which such moving picture show is located having been annexed to such city subsequent to January 1, 1923, the license tax shall be, per annum - $100.00

No additional tax may be charged for fortune tellers, clairvoyants and similar crafts appearing under contract in theatres.

PROVIDED, further, that any and all other forms of amusement not otherwise taxed or specifically exempted in this act for which an admission is charged, every person, firm or corporation engaged in such business shall pay an annual license tax for each room, hall, or [illegible] where admission charges are made of, per annum - - - $25.00

MULE DEALERS, DEMONSTRATING--Motor Vehicle.

Exempt by State Statutes.

MULTIGRAPHING.

Every person, firm or corporation multigraphing or mimeographing letters, advertisements or other documents for compensation, shall pay a license tax of, per annum as follows:

1 operator - $10.00
2 operators - 15.00
More than 2 operators - 25.00

"N"

NEWS BOARDS OR TRUCKS.

Exempt by State Statutes.

NEWSPAPERS.

Daily, morning - $100.00
Daily, afternoon - 100.00
Weekly - 25.00
Monthly - 15.00

PROVIDED, that where any newspaper company prints, in addition to its newspaper, circulars or other printed matter, the tax levied under "Printing Establishments", shall also be paid.

NEWSPAPER CONTESTS.

Every person, firm or corporation, conducting any newspaper contest, shall pay a license tax as follows:

Weekly, semi-weekly or monthly newspaper, magazine or periodicals------ $25.00
Daily Newspapers - 100.00

NEWS STANDS.

Per annum - $ 2.50

NEWS STANDS ON STREETS OR SIDEWALKS.

Prohibited.

NURSERIES.

Every person, firm or corporation operating a nursery, or selling or displaying for the purpose of advertisement or sale nursery products, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - -

[illegible] PIANO TUNERS OR REPAIRERS.

[illegible] or piano tuners or repairers, per annum - - - - - - - - - - - - $5.00
[illegible], per annum - 50.00

[illegible]--[illegible].

[illegible] - 25.00

[illegible].

Exempt by State Statutes.

[illegible] AND [illegible].

See "Fish and Oyster Dealers."

"P"

[illegible].

Every person, firm or corporation engaged in or operating a meat packing house, and every wholesale dealer in meat packing house products, who owns, leases, or rents and operates a cold storage warehouse in connection with such wholesale business, shall pay for each such packing house or cold storage warehouse, a license tax of, per annum - - $150.00

[illegible] CONTRACTORS.

See "Contractors."

PAINT DEALERS.

Every person, firm or corporation selling or distributing paint, calcimine, or other paint products, shall pay a license tax of, per annum - - - - - - - - - - - - $25.00

PROVIDED, where roofing is sold an additional tax of $5.00 shall be charged.

PAPER OR PAPER PRODUCTS.

Every person, firm or corporation engaged in the sale or distribution of paper or paper products, where twenty per cent or more of their business is the sale or distribution of paper, shall pay a license tax of, per annum - - - - - - - - - - - - $50.00

PROVIDED, that where less than 20% of the business is paper products, the license tax shall be - $10.00

PARKING PLACES.

On each and every lot used for a public parking place for profit, where other service is not rendered, shall be paid a license tax of, per annum - - - $ 5.00

Where greasing, washing or other service is rendered - - - - - - - - - - $ 12.50

PASTEURIZERS OF MILK.

Each establishment shall pay a license tax of, per annum - - - - - - - - $100.00

The foregoing tax is not collectible where creamery tax is paid.

PATENT RIGHTS AND FORMULA--DEALERS IN.

On every person, firm or corporation, offering for sale any patent or formula, shall be paid a license tax of, per annum - - - - - - - - - - - - - - - - $10.00

PAVING, GRADING, [illegible], CURBING, OR STONE CUTTERS.

See "Contractors."

PAWN BROKERS.

See "Brokers, Pawn."

PEANUT AND POPCORN ROASTERS.

Every person engaged in the business of operating any peanut or popcorn roaster or stand, shall pay a license tax of, per annum - - - - - - - - - - - - - - - $10.00

PROVIDED, that when a peanut or popcorn roaster or stand is operated in connection with some other business, the license tax shall only be, per annum - - - - $ 5.00

PEDDLERS OR BOOKS.

See "Book Agents."

PEDDLERS--GENERAL.

See "Goods, Wares and Merchandise."

PEDDLERS OR VENDORS OF MEDICINE.

See "Goods, Wares and Merchandise."

PEDDLING OF FISH.

PROHIBITED.

PENNY ARCADES OR [illegible].

See "Arcades."

PEPSO-COLA BOTTLING WORKS.

See "Bottling Works."

PERFUMES AND TOILET ARTICLES, COMPACTS, LIPSTICKS, ETC.

Every person, firm or corporation selling perfume, cologne, toilet water, bath salts, compacts, lip sticks, or other toilet articles, shall pay a license tax of, per annum - [illegible]

PROVIDED, where the gross sales are less than $500.00 annually, the tax shall be - [illegible]

PET SHOP.

Every person, firm or corporation operating a shop usually known as a "pet shop", or place of business where pets such as dogs, monkeys, cats, birds, fish, white mice, and or other pets by whatsoever name called, are sold, shall pay a license tax of, per annum - [illegible]

PHONOGRAPHS.

See "Organs."

PHOTOGRAPHERS.

Every person, firm or corporation engaged in the business as a photographer, canvasser for any photographer, agent of a photographer in transmitting pictures or photographs to be copies, enlarged or colored, shall pay a license tax of, per annum - - - [illegible]

NOT PRORATED.

PHOTOSTAT DEALERS.

Every person, firm or corporation making photostatic reproductions or engaged in the business of making photostatic copies for sale, shall pay a license tax of, per annum - [illegible]

PHRENOLOGISTS.

PROHIBITED.

PHYSICIANS.

Exempt by State Statutes.

PIANO OR ORGAN REPAIRERS OR TUNERS.

See "Organ Repairers or Tuners."

PICTURE MACHINES--ADVERTISING BY USE OF.

See "Advertising by Use of Picture Machines."

PICTURE MOVING.

See "Moving Pictures."

PICTURE, TRAVELING, MOVING, TRAVELING THEATRICAL, VAUDEVILLE, OR TRAVELING MINSTREL SHOWS.

Every person, firm or corporation, engaged in the business of a traveling theatrical, traveling moving picture, and or traveling vaudeville company, giving exhibitions or performances in any hall, or other place not duly licensed as a theatre, moving picture or vaudeville house, for the privilege of engaging in such business, shall pay a license tax of $25.00 for each $25.00 for each day or part of a day's exhibits or performances.

PROVIDED, that:

(a) Artists, exhibiting paintings or statuary work of their own hands, shall only pay - [illegible]

(b) Such places of amusement that do not charge more than a total of fifty cents (50¢) for admission at the door, including reserved seat, and shall perform or exhibit continuously in any given place, as much as one week, shall be required to pay $25.00 per week or part of week.

Provided, however, where such amusement company holds an annual state-wide license, as provided under Section 103 of the 1939 Revenue Act, such company shall pay $10.00 per week, or part of week, provided such places of amusement do not charge more than a total of 50¢ (fifty cents) for admission at the door as provided for in sub-section B of this section.

(c) The owner of the hall, tent or other place where such amusements are exhibited or performances held shall be liable for the tax.

Application for permit to exhibit must be made in the same manner as herein required of a circus, and no performance shall be given unless permit is granted.

PIPE OR CEMENT BLOCKS.

See "Cement Blocks."

PISTOLS.

Every person, firm or corporation who is engaged in the business of keeping in stock, selling and/or offering for sale any of the articles or commodities hereinafter enumerated, shall pay the following tax, per annum

(a) For pistols - $50.00

(b) For bowie knives, dirks, daggers, sling-shots, loaded canes, iron or metallic knuckles, or articles of like kind - $200.00

(c) Blank cartridge pistols - $200.00

PROVIDED, however, that if such person, firm or corporation deals only in metallic cartridges, the tax shall be, per annum - - - - - - - - - - - - - - $ 10.00

PLANTS, SEEDS AND BULBS.

See "Seeds and Plants."

PLUMBING SUPPLIES.

Every person, firm or corporation selling plumbing supplies, shall pay a license tax of, per annum (wholesale) - $100.00

PROVIDED, every person, firm or corporation selling plumbing supplies at retail, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - $ 50.00

PROVIDED, however, where the above license is paid, then the contractor's license shall not be required.

POLES, IRON-TIRE, CIRCULAR ARTICLES.

See "Buying and Shipping of".

POOL AND BILLIARD ROOMS.

See "Circuses."

POOL ROOMS.

See "Billiards."

POULTRY - DEALERS.

Every person, firm or corporation buying or selling poultry or eggs, at wholesale, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - $20.00

Where poultry and eggs are sold, at wholesale - - - - - - - - - - - - - $30.00

POWER, GAS AND ELECTRIC LIGHT COMPANIES.

See "Electric Light Companies."

PRESSING CLUBS, DRY CLEANING PLANTS, AND HAT BLOCKERS.

Every person, firm or corporation engaged in the business of pressing and/or dry cleaning any article of clothing, re-shaping, cleaning and/or reblocking any hats, shall pay a license tax of, per annum, as follows: - - - - - -

(a) Where not more than three persons are employed - - - - - - - - - - $10.00
(b) Where more than three persons and not more than six persons are employed - $25.00
(c) Where more than six persons are employed - - - - - - - - - - - - - $40.00

Every person, firm or corporation operating what is commonly called a cash and carry office receiving laundry and/or cleaning and pressing shall pay a tax of, per annum - $10.00

PRINTED ADVERTISEMENTS, HIGH TACKING, ETC.

See "Advertising--Distributors of Samples."

PRINTING AGENTS.

See "Agents, not Specifically Taxes."

PRINTING ESTABLISHMENTS.

Every person, firm or corporation operating a printing press, whether part time or not, or whether employing a helper or not, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - -

[illegible].

[illegible], firm or corporation engaged in the operation of a bagatelle table, [illegible], merry-go-round, [illegible] wheel, whip, tango swing, caterpiller, tumble-bug, hobby-horse, [illegible], shooting gallery, skating rink, or other amusement devices of a like kind, or a place for such games or play with or without name (unless used solely and exclusively as [illegible]), at a permanent licensed place, shall procure a special license for the privilege of operating such objects of amusements, and shall pay for each such [illegible] the following tax, per annum - - - - - - - - - - - - - - - - $25.00

[illegible].

See "Dance."

[illegible].

[illegible], firm or corporation buying or selling roots, herbs, or other [illegible] plants, shall pay a license tax of, per annum - 15.00

[illegible].

[illegible], firm or corporation engaged in the exclusive business of manufacturing pulp or [illegible], a small [illegible] scale, where 75 per cent of the business is [illegible] from the sale [illegible] of such articles, shall pay a license tax of, per annum - - - - $25.00

"C"

[illegible].

[illegible], firm or corporation buying, selling, and or dealing in bankrupt stocks, factory [illegible] second-hand [illegible] of all kinds, shall pay a license tax [illegible], per day - $300.00

[illegible], where this license is paid all other license taxes levied by this [illegible] on individual items shall not be collectible.

[illegible], that the above tax is paid under classifications shall not apply.

[illegible] June 1, 1939.

See "Amusements."

[illegible].

Every person, firm or corporation selling or delivering into the City of [illegible], sand stone, or gravel shall pay an annual license tax of - - - - - - - - - - - - 20.00

[illegible].

[illegible], or display, per annum - 15.00
[illegible], retail, per annum - 2.50

[illegible].

Each dealer in, or agent for, shall pay a license tax of, per annum - - - - - - - - - - 25.00

[illegible] AUTOMOBILE [illegible].

See "Automobile Equipment--[illegible]."

[illegible]-SALE CLOTHING.

See "Clothing--Second-Hand."

[illegible].

(a) Every person, firm or corporation who or which is engaged in the business of dealing in securities as defined in section 132 of the 1939 Revenue Act, or who or which maintains a place for or engages in the business of buying on commission or brokerage, shall pay for the privilege of transacting such business, a license tax of, per annum - - - - - - - - - - - - - - - - - - -

MAIOR, MUNICIPAL.

See "Municipal, Police".

MARINE ANIMALS.

See "Oleomargarine, Renovated Butter and Process".

MARRIAGE.

See "Contracts".

MARRIED WOMEN.

See "Husband and Wife".

MASSAGE OR MASSEUR.

Every person, firm or corporation engaged in the business of massage or as a masseur, shall pay a license tax of, per annum - - -

a license tax of, per year ---------- $5.00

MOVING PICTURES.

SAW STORE.

See "Furniture Dealers, etc."

"BAKERY, CONFECTIONERY, etc.

See "Restaurants."

"BANKING, BROKERAGE, etc."

See "Loan Offices."

See "Storage Warehouses."

See "Tobacco Warehouses."

Exempt by State Statutes.

WASHING MACHINES.

Per week ---------- $0.50

Each and every person, firm or corporation locating within the corporate limits and desiring, for the purpose of advertising, a display of any sign or signs on the streets and display a license tax of, per day ---------- $0.10

Each and every person, firm or corporation locating within the corporate limits and desiring, for the purpose of advertising, a display of any sign or signs on the streets and display a license tax of, per day ---------- $0.10

WALKING ABOUT STREETS BY PLAYING GAMES.

See "Advertising".

MAGIC OR TRICK ENTERTAINMENTS.

"M"

See "Entertainments".

MOVING PICTURES.

See "Theatres".

MILLINERY.

See "Dressmaking, Millinery".

"NEWSPAPERS.

See "Publishing Houses".

"NOVELTIES.

See "Peddlers".

"OFFICES.

See "Real Estate Offices".

"OPTICIANS.

See "Physicians".

"PAINTING.

See "Decorating".

"PAWNBROKERS.

See "Loan Offices".

"PEDDLERS.

See "Hawkers, Peddlers".

"PHYSICIANS.

See "Dentists".

"PLUMBING.

See "Contracting Plumbers".

"PUBLIC AMUSEMENTS.

See "Theatres".

"PUBLISHING HOUSES.

See "Newspapers".

"REAL ESTATE OFFICES.

See "Offices".

"RESTAURANTS.

See "Eating Houses".

"SAW STORES.

See "Furniture Dealers, etc."

"SHOOTING GALLERIES.

See "Amusements".

"SIGN PAINTING.

See "Painting".

"STORAGE WAREHOUSES.

See "Warehouses".

"TAILORING.

See "Clothing".

"TELEGRAPH OFFICES.

See "Offices".

"THEATRES.

See "Theatres".

"TOBACCO WAREHOUSES.

See "Warehouses".

"TRUNKS.

See "Leather Goods".

"TYPEWRITERS.

See "Offices".

"UNDERTAKERS.

See "Undertakers".

"VARIETY STORES.

See "Stores".

"WAREHOUSES.

See "Storage Warehouses".

"WATCHES.

See "Jewelry".

"WHOLESALE HOUSES.

See "Stores".

"WOOD YARDS.

See "Coal Yards".

[illegible] $20.00

[illegible] $25.00

[illegible] $10.00

[illegible] $10.00

[illegible] $3.00

"[illegible]"

ALL [illegible], [illegible], [illegible], [illegible], [illegible], OTHER UNDERTAKINGS [illegible], CONCERT, OR MARKET PLACE.

Per annum	$25.00
Per quarter	15.00
Per month	10.00
Per day	3.00

Section 17

Any person who shall wilfully make any false statement in an application for license under any section of this ordinance or schedule, shall, upon conviction, be liable for penalty of fifty ($50.00) dollars.

Section 18

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect ant rights heretofore acquired for the collection of any tax heretofore levied or assessed, or the validity of any sales taxes heretofore made, or any right heretofore acquired under any ordinance of this city.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Ordinance No. 259, entitled, "An Ordinance to Provide for the Regulation of Frozen Food Products Manufactured, Sold or Offered for Sale Within the Corporate Limits of the City of Asheville" was upon motion of Councilman Lee, seconded by Councilman Carland left on the table, because of the fact that data had only been received a few minutes before the Council Meeting, and had not been read.

The City Council unanimously named Tom W. Brown, former member of the Civil Service Board appointed by the City Council to another two year term. This appointment was upon motion of Councilman Divelbiss, seconded by Councilman Bamford.

Mr. P. M. Burdette named J. Frank Gooch as his appointee to the Civil Service Board. This is to comply with the Civil Service Act.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson, Mayor

Glenn Morris
City Clerk

June 15, 1939, 4:3[illegible] P. M.

The City Council met in regular session Thursday, June 15, 1939, in the Council Chamber, City Hall, with Mayor Bryson presiding. Present: Councilmen Eugene Carland, C. R. Bamford, L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson. Minutes of the previous meeting were read and approved.

Upon motion of Councilman Lee, seconded by Councilman Bamford, Ordinance No. 259, entitled, "An Ordinance to Provide for the Regulations of Frozen Food Products Manufactured, Sold or offered for Sale within the Corporate Limits of the City of Asheville", was left on the table pending further study on the Ordinance.

Claim of Mrs. Maletz Kostas for alleged property damage was filed by her attorney, Mr. Conway Smith, and was referred to the Corporation Counsel and City Manager.

To the Honorable Mayor, City Manager
and Council of the City of Asheville, N. C.

Gentlemen:

The undersigned, Mrs. Maleta Kostas, by and through her attorney, Conway Smith, and individually, hereby files claim against the City of Asheville for damages to property owned by the said Mrs. Maleta Kostas, which damages are a result of a condition created, suffered and allowed to exist by the City of Asheville since about January, 1938. The property which has been damaged is a house and lot and personal property situated on Riverside Drive near Hans Rees Sons Tannery. The said house and lot abut on Riverside Drive and the front door of said house is about five feet from the pavement of Riverside Drive. About January, 1938, one of the water mains or pipes on the East side of Riverside Drive burst or sprung a leak, so that water began to flood the front of the house, and to run under the house, and continuously since about January 1938, water has continuously stood in pools on the said property. The consequence is that the water running under the house continuously has rotted out the foundation and the floors, so that a portion of the floor has fallen in, and the rest is in danger of falling in. The health of the claimant and her family has been impaired and endangered by the dampness of the floor, and the mildew and mold forming on the floor and the damp and nauseating odors and the other natural consequences of the said condition. Passing vehicles have thrown mud into the house and on to personal effects in the house. When the condition first began about January 1938, the claimant gave notice to the City Water Department, and since that time about once every month has given notice to the Water Department and the claimant has repeatedly been assured by the City Water Department that the matter would be remedied immediately but nothing has been done whatsoever by the City Water Department.

The damage to the claimant's property was inflicted by the negligent maintenance and operation of the City Water Department and the negligent failure to cut off the water from the defective pipe, and the negligent failure to prevent damage to the property above mentioned by the flow of water from the City Water Department, and the negligent failure to maintain and operate the City Water Department and its mains in proper and suitable manner. The last notice to the City Water Department was given about June 1, 1939.

As a result of the negligence on the part of the said City, this claimant has been damaged in the sum of One Thousand Dollars ($1,000.00).

Respectfully submitted, this the 15 day of June, 1939.

Mrs. Maleta Kostas
Claimant

Conway Smith
Attorney for Claimant.

Mrs. T. Evans Baxter, representing the Buncombe County Home Demonstration Market, filed petition signed by patrons of the market, asking the Council to assist them in securing bus service by having the Southside bus make a turn at Coxe St. up Collier Ave., and back on both trips to and from the Square on Wednesday and Saturday morning from 8 o'clock until 1 o'clock. This was referred to the City Manager.

The meeting was upon motion, adjourned.

Mayor.

Glenn Morris
City Clerk

June 22, 1939, 4:30 P. M.

Because of a lack of quorum on Thursday, June 22, 1939, no meeting of the City Council was held.

Mayor.

Glenn Morris
City Clerk

June 29, 1939.--4:30 P. M.

The City Council met in regular session Thursday, June 29, 1939, in the Council Chamber, City Hall, with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., Eugene Carland, L. Lyons Lee, C. R. Bamford, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson. Minutes of the previous meetings were read and approved.

Councilman Divelbiss read a petition signed by approximately 260 employees of the Southern Railway Company asking that Meadow Road between the Freight Depot and Carriers Bridge and the river road from Carriers Bridge to Hans Rees Tannery be paved. This was referred to the City Manager.

Ordinance No. 262, entitled, "An Ordinance Defining "Frozen Desserts", "Mix", "Pasteurization", "Frozen Desserts Plants", etc; Prohibiting the Sale of Adulterated or Misbranded or Ungraded Mix or Frozen Desserts; Requiring Permits for the sale of Mix or Frozen Desserts; Regulating the Inspection of Establishments engaged in the production, processing or Distribution of Frozen Desserts or their Ingredients, the Placarding or Dispensing Establishments, the Examination, Pasteurization, Grading, Regrading, Labeling, Distribution, and sale of Mix and Frozen Desserts, the Control of Frozen Desserts Ingredients; providing for the Publishing of Grades of Frozen Desserts, the Construction of Future Frozen Desserts Plants, the Enforcement of this Ordinance, and the Fixing of Penalties," was put upon its first reading with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", and Councilman Bryson voted "aye", which was a unanimous vote of those present.

Mr. Burdette presented resolution appointing a Library Board for the City of Asheville composed of Mr. George H. Wright, Mr. Charles K. Robinson, and Miss Annie Westall, as follows:

RESOLUTION

RESOLUTION APPOINTING THE LIBRARY BOARD FOR THE CITY OF ASHEVILLE

WHEREAS, the term of office of the present members of the Library Board has expired:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That George H. Wright, Charles K. Robinson, and Miss Annie Westall be and they are hereby appointed as members of the Library Board for a term of two years, or until their successors are appointed.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 29 day of June, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor.

Glenn Morris
City Clerk

July 6, 1939. 4:30 P. M.

The City Council met in regular session Thursday, July 6, 1939, in the Council Chamber, City Hall, with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, Eugene Carland, J. E. Divelbiss, Jr., H. G. Etheridge, L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson. Minutes of the previous meeting were read and approved.

Ordinance No. 262, entitled, "An Ordinance Defining "Frozen Desserts, "Mix", Pasteurization", Frozen Desserts Plants, Etc.; Prohibiting the Sale of Adulterated or Misbranded or Ungraded Mix or Frozen Desserts; Requiring permits for the sale of Mix or Frozen Desserts; Regulating the Inspection of Establishments engaged in the production, processing, or distribution of Frozen Desserts or their ingredients, the Placarding or Dispensing Establishments, The Examination, Pasteurization, Grading, Regrading, Labeling, Distribution, and sale of Mix and Frozen Desserts, the Control of Frozen Desserts Ingredients; Providing for the Publishing of Grades of Frozen Desserts, the Construction of Future Frozen Desserts Plants, The Enforcement of This Ordinance, and The Fixing of Penalties," was passed on its second reading with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye", and Councilman Bryson voted "aye". This was the unanimous vote of all members of the City Council present.

Mr. Burgin Pennell, Attorney, spoke in favor of this ordinance, also Mr. J. Milligan Attorney for the Pet Milk Company of Greenville, Tenn., spoke in favor of the ordinance.

Mr. Conway Smith, Attorney, presented request of the Mountain Egg Producers Cooperative Association for refund of City Privilege Taxes for the year 1938-39 in the amount of $25.00, which is claimed was not due because this Corporation operates under Section 5259 of the North Carolina Code exempting Cooperative Associations from paying City Privilege Taxes. This was referred to the Corporation Counsel and City Manager.

Mr. Charles G. Lee, Attorney, filed claim and demand for payment of S. Blaine Stine of Judgment against the City of Asheville in the amount of $2540.00 with interest at 6% on and after June 25, 1935. This was referred to the Corporation Counsel and City Manager.

NORTH CAROLINA
BUNCOMBE COUNTY.

NOTICE OF CLAIM AND DEMAND FOR PAYMENT

TO THE HONORABLE HOLMES BRYSON, MAYOR, AND THE MEMBERS OF THE GOVERNING BODY OF THE CITY OF ASHEVILLE:

S. BLAINE STINE, of Osceola Mills, Pennsylvania, by and through his Counsel, hereby notifies the Governing Body of the City of Asheville, State of North Carolina, that on the 12th day of May, 1938, in the Superior Court for the County of Buncombe, at a Term presided over by J. Will Pless, Jr., a judgment was entered, wherein it was decreed that S. Blaine Stine have and recover of the City of Asheville, a Municipal Corporation, the sum of Twenty five Hundred Forty ($2540.00) Dollars, with interest at 6% on and after June 25, 1935.

The undersigned respectfully requests of your Honorable Body the ayditing and payment in full of the amount of said judgment, interest and costs, and respectfully requests that a Resolution be passed ordering and directing the said Mayor and the Director of Finance of the City of Asheville, to pay same.

The undersigned durther states that in the event of the failure of the Governing Body of the City of Asheville to order payment within a reasonable length of time that he will enter in the Superior Court of Buncombe County a mandamus proceeding.

Respectfully submitted,

S. BLAINE STINE,
Judgment Creditor

By LEE AND LEE
Attorneys.

Resolution eliminating the Equipment in the Asheville Auditorium and Convention Hall Docket from the Finance Agreement between the Federal Emergency Administration of Public Works and the City of Asheville was unanimously passed as follows:

RESOLUTION

RESOLUTION ELIMINATING THE EQUIPMENT IN THE ASHEVILLE AUDITORIUM AND CONVENTION HALL DOCKET FROM THE FINANCE AGREEMENT BETWEEN THE FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS AND THE CITY OF ASHEVILLE.

WHEREAS, the equipment items having been eliminated from the Auditorium docket by the Federal Emergency Administration of Public Works;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Council request the elimination of the equipment items from the agreement between the Federal Emergency Administration of Public Works and the City of Asheville as dated August 18, 1938, this action being taken in view of the fact that previous resolutions have transferred all funds called for in the agreement between the Federal Emergency Administration of Public Works and the City of Asheville to the building account.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted this 6 day of July, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Resolution appropriating money to be expended by the City Manager of the City of Asheville in the Interval from the end of the Fiscal Year, June 30th, to the Adoption of the Appropriation Resolution for the Ensuing Fiscal Year, was unanimously passed, as follows:

RESOLUTION

RESOLUTION APPROPRIATING MONEY TO BE EXPENDED BY THE CITY MANAGER OF THE CITY OF ASHEVILLE IN THE INTERVAL FROM THE END OF THE FISCAL YEAR, JUNE 30th, TO THE ADOPTION OF THE APPROPRIATION RESOLUTION FOR THE ENSUING FISCAL YEAR.

WHEREAS, Section 1334(65) of the Consolidated Statutes of the State of North Carolina under the chapter of the County Fiscal Control Act requires the governing body of a municipality to appropriate money to be expended for the payment of fixed salaries of its officers and employees, the principal and interest of its indebtedness, and for the usual ordinary expenses in operation of a municipality;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager and the City Accountant are hereby authorized to expend for fixed salaries, principal and interest on the indebtedness of the city,

and for the usual ordinary expenses in operation of the city the amount of $50,000 from the end of the fiscal year to the time of the adoption of the appropriation resolution. At the time of the adoption of the appropriation resolution said expenditures occuring in the interval set out above shall be charged against the several appropriations of the several departments of the City of Asheville, respectively, thereafter made in the annual appropriation resolution of the ensuing fiscal year.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Local Government Commission in the City of Raleigh, State of North Carolina.

I move the adoption of the foregoing resolution.

C. R. Bamford
Councilman

Seconded by: L. Lyons Lee
Councilman

Read, approved and adopted, this 6 day of July, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Councilman Divelbiss reported that he and the City Manager had gone over Meadow Road, and that plans were made for this improvement, which was requested by 260 employees of the Southern Railway Company and business men in West Asheville and Biltmore.

The meeting was upon motion, adjourned.

Holmes Bryson,
Mayor

Glenn Morris
City Clerk

July 13, 1939. [illegible] P. M.
Council Chamber, City Hall.

The City Council met in regular session Thursday, July 13, 1939, with Mayor Bryson presiding. Present Councilmen Eugene Carland, J. E. Divelbiss, Jr., L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson. Minutes of the previous meeting were read and approved.

Ordinance #262, entitled, "An Ordinance Defining "Frozen Desserts", "Mix", "Pasteurization", "Frozen Desserts Plants, etc; Prohibiting the Sale of Adulterated or Misbranded or Ungraded Mix or Frozen Desserts; Requiring Permits for the Sale of Mix or Frozen Desserts; Regulating the Inspection or establishment engaged in the production, Processing or Distribution of Frozen Desserts or their Ingredients, The Placarding of Dispensing Establishments, the Examination, Pasteurization, Grading, Regrading, Labeling, Distribution, and Sale of Mix and Frozen Desserts, The control of Frozen Desserts Ingredients; Providing for the Publishing of Grades of Frozen Desserts, The Construction of Future Frozen Desserts Plants, the Enforcement of This Ordinance, and The Fixing of Penalties," was introduced, but before the final passage the following amendment was unanimously voted on and passed by the City Council:

"I make a motion that Ordinance #262 be amended as follows:
By striking out the figures "100,000" in section 7 under the heading Grade A Mix and Frozen Desserts and inserting in lieu thereof the figures "60,000", and by striking out the figures "150,000" in Section 7 under the heading Grade B Mix and Frozen Desserts and incerting in lieu thereof the figures "80,000."

Eugene Carland
Councilman

SECONDED BY: L. Lyons Lee
Councilman

The ordinance was introduced on its third and final reading with the following unanimous vote of all members of the City Council present: Councilman Carland voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye" and Councilman Bryson voted "aye". The Ordinance was ordered published and will be effective the 31st day of July, 1939.

ORDINANCE NO. 262

AN ORDINANCE DEFINING "FROZEN DESSERTS", MIX," "PASTEURIZATION", "FROZEN DESSERTS PLANTS", ETC: PROHIBITING THE SALE OF ADULTERATED OR MISBRANDED OR UNGRADED MIX OR FROZEN DESSERTS; REQUIRING PERMITS FOR THE SALE OF MIX OR FROZEN DESSERTS; REGULATING THE INSPECTION OF ESTABLISHMENTS ENGAGED IN THE PRODUCTION, PROCESSING, OR DISTRIBUTION OF FROZEN DESSERTS OR THEIR INGREDIENTS, THE PLACARDING OF DISPENSING ESTABLISIMENTS, THE EXAMINATION, PASTEURIZATION, GRADING, REGRADING, LABELLING, DISTRIBUTION, AND SALE OF MIX AND FROZEN DESSERTS, THE CONTROL OF FROZEN DESSERTS INGREDIENTS; PROVIDING FOR THE PUBLISHING OF GRADES OF FROZEN DESSERTS, THE CONSTRUCTION OF FUTURE FROZEN DESSERTS PLANTS, THE ENFORCEMENT OF THIS ORDINANCE, AND FIXING OF PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AS FOILOWS:

SECTION 1. Definitions. The following definitions shall apply in the interpretation and the enforcement of this ordinance:

A. Frozen Deserts. A frozen dessert is any frozen combination of the following: Milk or milk products, eggs or egg products, sugar, water, fruit juices, candy, nut meats, or other food products, flavors, and sterilizer, approved by the health officer, and shall be deemed to include ice cream, frozen custard, sherbert, ices, and other similar products.

B. Ice Cream. Ice cream is the pure, clean, frozen products made from a combination of two or more of the following ingredients: Milk products, eggs, water and sugar with harmless flavoring and with or without harmless coloring, and with or without added sterilizer composed of wholesome edible material. It contains not more than 1/2 of 1 percentum by weigh+ of stabilizer, not less than 10 percentum by weight of milk fat, and not less than 18 percentum by weight of total milk solids; except when fruit, nuts, cocoa or chocolate, maple syrup, cakes or confections are used for the purpose of flavoring, in which case it shall contain not less than 10 percentum by weight of milk fat and not less than 18 percentum by weight of total milk solids, One gallon of ice cream weighs, not less than four and one-half pounds, and contains not less than 1 and 6/10 pounds of total food solids per gallon.

C. Frozen Custards. Frozen custard is French ice cream, French custard ice cream, ice custard, parfaits and similar frozen products. Frozen custard is a clean, wholesome product made from a combination of two or more of the following ingredients: milk products, water and sugar with harmless flavoring and with or without harmless coloring and with or without added stabilizer composed of wholesome. edible material. It contains not more than 1/2 of 1 percentum of weight of stabilizer, not less than 10 percentum by weight of milk fat, and not less than 18 percentum of weight of total milk solids. Frozen custard shall contain not less than 5 dozen of clean, wholesome egg yolks, or 1 and 5/10 pounds of wholesome, dry eggs yolks containing not to exceed 7 percentum of moisture, or 3 pounds of wholesome frozen egg yolks containing not to exceed 55 percentum of moisute, or the equivalent of egg yolks in any other form, for each 90 pounds of frozen custard. One gallon of frozen custard weighs not less than four and one-half pounds, and contains not less than 1 and 6/10 pounds of total food solids per gallon.

D. Ice milk. Ice milk is the pure, clean frozen product made from a combination of two or more of the following ingredients: milk products, eggs, water, and sugar with harmless flavoring and with or without harmless coloring, and with or without added stabilizer composed of wholesome edible material. It contains not more than 1/2 of 1 percentum of weight of stabilizer, not less than 3 percentum and not more than 10 percentum by weight of milk fat, and not less than 14 percentum by weight of total milk solids. One gallon of ice milk weighs not less than four and one-half pounds and contains not less than 1 and 3/10 pounds of total food solids per gallon.

E. Milk sherbet. Milk sherbet is the pure, clean frozen product made from milk products, water and sugar, with harmless fruit or fruit juice as flavoring and with or without harmless coloring, with not less than 0.35 of 1 percentum of acid, as determined by titrating with standard alkali and expressed as lactic acid, and with or without added stabilizer composed of wholesome edible material. It contains not less than 4 percentum by weight of milk solids.

F. Water ice. Water ice is the pure, clean frozen product made from water and sugar with harmless fruit or fruit juice as flavoring and with or without harmless coloring, with not less than 0.35 of 1 percentum of acid, as determined by titrating with standard alkali and expressed as lactic acid, and with or without added stabilizer composed of wholesome adible material. It contains no milk solids.

G. Imitation frozen deserts. Imitation frozen dessert is any substance made in imitation or semblance of ice cream, frozen custard, sherbet, and ices which has conformed with the sanitary standards herein, but which does not conform with the composition standards herein.

H. Mix. Mix is the unfrozen combination of all ingredients of a frozen dessert except such fruits or fruit juices, candy, nut meats, flavor, or color which, in the opinion of the health officer, would be adversely affected by pasteurization.

I. Pasteurization. The term "pasteurization", "pasteurized", and similar terms shall be taken to refer to the process of heating every particle of mix, except such fruits, nuts, flavors, and other ingredients as may be exempted by the health officer, to at least 150 deg. F. and holding at such temperature for at least thirty minutes in approved and properly operated equipment, provided that nothing contained in this definition shall be construed as disbarring any other procedd which has been demonstrated to be equally efficient and is approved by the State health authority.

J. Frozen desserts plants.- A frozen desserts plant is hereby defined as any place or premises where frozen desserts or mix are manufactured and or processed and or frozen for distribution or sale. In this ordinance the word "plant" shall mean "frozen desserts plant" as herein defined.

K. Person. The word "person" as used in this ordinance shall mean person, firm, corporation, or association.

L. Health officer. The term "health officer" shall mean the health authority of the City of Asheville or his authorized representative.

M. Grading period. The grading period shall be such period of time as the health officer may designate, within which grades shall be determined for all mix and frozen desserts, provided that the grading period shall in no case exceed 6 months.

N. Average bacterial plate count, direct miscroscopic court, reduction time and cooling temperature. Average bacterial plate court shall be taken to mean the logarithmic averare of the bacterial plate counts of the last 4 consecutive samples, taken upon erparate days, irrespective of the date of grading or regrading. Average direct miscroscopic count shall be taken to mean the logarithmic average of the direct microscopic counts of the last 4 consecutive samples, taken upon separate days, irrespective of the date of grading or regrading. Average reduction time shall be taken to mean the arithmetic average of the reduction times of the last 4 consecutive samples, taken upon separate daysm irrespective of the date of grading or regrading. Average cooling temperature shall be taken to mean the arithmetic average of the temperatures of the last 4 consecutive samples, taken upon separate days, irrespective of the date of grading or regrading.

O. Adulterated or misbranded frozen desserts. Any substance claimed to be any frozen desert defined in this ordinance, but not conforming with its definition as given in this ordinance, or which carries a grade label unless such grade label has been awarded by the health officer and not revoked, shall be deemed adulterated and/or misbranded.

P. Frozen desserts distributor in any person who offers for sale or sells or distributes to another any mix or frozen desserts for consumption or sale; provided, however, that this section does not apply to boarding houses, hotels, or private homes where the consumption of frozen desserts is on the premises.

Q. Milk and milk products. Milk and milk products shall be milk and milk products as defined in the ordinance commonly known and hereinafter referred to as the Milk Ordinance, being Ordinance No. 210 of the City of Asheville, and shall include in addition butter, sweetened and unsweetened evaporated milk, sweetened and unsweetened evaporated skim milk, sweetened and unsweetened condensed milk, sweetened and unsweetened condensed skim milk, powdered whole milk and powdered skim milk.

SECTION 2. The sale prohibited of mix or frozen dessert which is adulterated, misbranded, or ungraded. No person shall within the City of Asheville or its police jurisdiction produce, sell, offer or expose for sale or have in possession with intent ot sell any mix or frozen dessert which is adultered, misbranded or ungraded.

Section 3. Permits. It shall be unlawful for any person to deliver into or receive into the City of Asheville, or its police jurisdiction, for sale, or to produce, sell or offer for sale, or to produce, sell or offer for sale therein, or to have in storage where mix or frozen desserts are sold or served, any mix or frozen dessert, who does not possess a permit from the health officer of the City of Asheville, and on whose delivery vehicle there does not appear in a conspicuous place the permit number in figures at least 3 inches high and 1-1/2 inches wide.

Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit.

Such a permit may be revoked by the health officer upon the violation by the holder of any of the terms of this ordinance, or in any emergency when, in the judgment of the health officer, the mix or frozen dessert in question has become a public health menace, provided that the holder of said permit shall, after complying with such revocation, have the right of appeal to the City Council.

Section 4. Labeling and placarding. All cans, packages, and other containers enclosing mix or frozen desserts, except those filled from bulk in retail dispensing, shall be plainly labeled or marked with (1) the name of the contents as defined in this ordinance; (2) the word "pasteurized" only if the contents have been pasteurized; (3) the word "raw" only if the contents are raw; (4) the name of the company and the address of the plant at which the contents were pasteurized and or frozen; and (5) the grade of the mix or frozen dessert, as awarded by the health officer. A descriptive word or phrase indicating in more detail the composition or flavoring of the mix or frozen dessert, such as strawberry, chocolate, custard, lemon, etc., may be used on the label. In cases in which eggs are used in ice cream as defined in Section (B), their presence shall be declared on the label. The label or mark shall be in letters of a size, kind, and color approved by the health officer and shall contain no marks or words not approved by him. A proof print or sketch of the tags or labels used to identify mix or frozen desserts, showing the size and arrangement of the lettering thereon, and wording thereof, shall be submitted to and approved by the health officer before being used. Provided that all labeling shall comply with the requirements of the North Carolina Food, Drug, and Cosmetic Act, Chapter 320, Public Laws of 1939.

Every establishment which dispenses frozen desserts from bulk shall display at all times in a place designated by the health officer a notice approved by the health officer stating the grade of the frozen dessert dispensed.

Section 5. Inspection of plants. At least once during each grading period the health officer shall inspect all frozen plants. In case the health officer discovers the violations of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of 3 days, and the second inspection shall be used in determining the grade of the mix or frozen desserts. Any violation of the same item of this ordinance on two consecutive inspections shall call for immediate degrading.

One copy of the inspection report shall be posted by the health officer in conspicuous place upon an inside wall of the plant and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection report shall be filed with the records of the health department.

SECTION 6. The examination of frozen desserts and their ingredients. During each grading period at least four samples of frozen desserts and or pasteurized mix from each plant shall be tested by the health officer. Samples of frozen desserts from stores, cafes, soda fountains, restaurants, and other places where frozen desserts are sold may be tested as often as the health officer may require. Bacterial plate counts shall be made in conformity with the latest standard methods recommended by the American Public Health Association. Examinations may include such other chemical and physical determinations as the health officer may deem necessary for the detection of adulteration, these examinations to be made in conformity with the latest standard methods of the American Public Health Association and the Association of Official Agricultural Chemists. Bacterial plate counts and colling temperature results shall be given to the plants concerned as soon as determined if said results fall without the limits prescribed for the grade then held. Samples may be taken by the health officer at any time prior to the final delivery of the mix or frozen desserts. All proprietors of plants, stores, cafes, restaurants, soda fountains, and other similar places shall furnish the health officer, upon his request, with the names of all distributors from whome their mix or frozen desserts are obtained, together with the amounts thereof.

SECTION 7. Re-grading of frozen desserts. At least once every 6 months the health officer shall announce the grades of all mix and frozen desserts which are ultimately consumed within the City of Asheville or its police jurisdiction. Said grades shall be based upon the following standards:

GRADE A MIX AND FROZEN DESSERTS. Grade A mix and frozen desserts shall conform with all of the following items of sanitation, and the average bacterial plate count shall not at any time prior to delivery exceed 60,000 per gram, as determined under Section 1 (N) and Section 6 of this ordinance.

ITEM 1. Floors. The floors of all rooms in which frozen desserts or their ingredients are handled or stored, or in which containers and utensils are washed, shall be constructed of concrete or other equally impervious and easily cleaned material, and shall be smooth, properly drained, provided with trapped drains, and kept clean.

ITEM 2. Walls and ceilings. Walls and ceilings of rooms in which frozen desserts or their ingredients are handled or stored, or in which containers or utensils are washed, shall have a smooth, washable, light-colored surface, and shall be kept clean.

ITEM 3. Doors and windows. When flies are prevalent, unless other effective means are provided to prevent their access, all openings into the outer air shall be effectively screened and doors shall be self-closing.

ITEM 4. Lighting and ventilation. All rooms shall be well lighted and ventilated.

ITEM 5. Miscellaneous protection from contamination. The various plant operations shall be so located and conducted as to prevent any contamination of the frozen desserts, their ingredients, cleaned equipment, or containers. All means necessary for the elimination of flies shall be used. Pasteurization and all subsequent processes shall be conducted in a room or in rooms separate from all other rooms. Containers of frozen desserts ingredients shall not be unloaded directly into the room or rooms used for pasteurization or subsequent processes. Pasteurized mix or frozen desserts shall not be permitted to come in contact with equipment with which unpasteurized mix, frozen desserts, milk, or milk products have been in contact. Rooms in which frozen desserts, their ingredients, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters.

ITEM 6. Toilet facilities. Every milk plant shall be provided with toilet facilities conforming with the ordinances of the City of Asheville. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. No privies shall be permitted at any milk plant.

ITEM 7. Water supply. Every plant shall be provided with running water under pressure easily accessible, adequate, and of a safe, sanitary quality.

ITEM 8. Hand-washing facilities. Convenient hand-washing facilities shall be provided, including warm running water, soap, and approved sanitary towels. The use of a common towel is prohibited.

ITEM 9. Sanitary piping used to convey ingredients, mix or frozen desserts shall be "sanitary milk piping" of a type which can be easily cleaned with a brush.

ITEM 10. Construction and repair of containers and equipment. All containers and equipment with which frozen desserts or their ingredients come in contact shall be constructed in such manner as to be easily cleaned, and shall be kept in good repair.

ITEM 11. Disposal of wastes. All wastes shall be properly disposed of.

ITEM 12. Cleaning and bactericidal treatment of containers and equipment. All containers and equipment for mix or frozen desserts or their ingredients, except single service containers, shall be thoroughly cleaned after each usage. All contaoners shall be subjected to an approved bactericidal process after each cleaning, and all equipment immediately before each usage. When empty and before being returned by a plant, each container shall be effectively cleaned and subjected to bactericidal treatment.

ITEM 13. Storage of containers. After bactericidal treatment all multi-use containers for mix, frozen desserts, and ingredients shall be stored in such manner as to be protected from contamination.

ITEM 14. Handling of containers and equipment. Between bactericidal treatment and usage, and during usage, containers and equipment shall not be handled or operated in such manner as to permit contamination of the frozen desserts, mix, or their ingredients.

ITEM 15. Storage of caps, parchment papers, wrappers, and single service containers. Caps, parchment papers, wrappers, and single-service containers for frozen desserts, mix, or their ingredients shall be pruchased only in sanitary containers and kept therein in a clean dry place until used.

ITEM 16. Pasteurization of mix. Pasteurization shall be performed as described in Section 1 (I) of this ordinance; provided, however, all milk and/or milk products used in a mix shall be pasteurized.

ITEM 17. Cooling and freezing. All milk or fluid milk products received at the plant or cooling station for use in frozen desserts shall immediately be cooled in approved equipment to 50 deg. F. or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within 2 hours after receipt; and all pasteurized mix shall immediately be cooled in approved equipment to an average temperature of 50 deg. F. or less, as defined in Section 1 (N) of this ordinance, and maintained thereat until frozen.

All mix shall be frozen within 72 hours after pasteurization. All mix which is not frozen at the plant at which it was pasteurized shall be transported to the place of manufacturing or freezing in sealed single-batch containers tagged with the name, address, and permit number of said plant, and the date of pasteurization. The entire contents of each single-batch container of mix shall be emptied into the freezer as soon as the container is opened.

ITEM 18. Packaging. Packaging of mix or frozen desserts shall be done in a sanitary manner approved by the health officer. Containers shall be covered immediately after filling from the freezer. Caps or covers shall be handled in such manner as to prevent contamination.

ITEM 19. Overflow. Overflow mix or frozen desserts shall not be sold for human consumption.

ITEM 20. Returns. No mix or frozen desserts shall be returned to any plant after delivery; provided, in cases of an emergency the City Health Officer of the City of Asheville may grant permission for frozen desserts or mixes to be returned to the plant after delivery.

ITEM 21. Personnel, health. The health officer or a physician authorized by him shall examine and take a careful morbidity history of every person connected with a plant whose work brings him in contact with the production, handling, storage, or transportation of mix or frozen desserts, containers, or equipment. If such examination suggests that such persons may be carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through frozen desserts, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the State health authority for such examinations.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the Health Officer may require for the purpose of determining freedom from infection.

ITEM 22. Personnel, Cleanliness. All persons coming in contact with mix, frozen desserts, or their ingredients, containers, or equipment shall wear clean outer garmets and shall keep their hands clean at all times while thus engaged.

ITEM 23. Miscellaneous. All vehicles used for the transportation of mix or frozen desserts or their ingredients shall be so constructed and operated as to protect them from the sun and from contamination. Such vehicles shall be kept clean and in good repair, and no substance capable of contaminating mix or frozen desserts or their ingredients shall be transported therewith in such manner as to permit contamination. All vehicles used for the distribution of mix or frozen desserts shall have the name of the distributor prominently displayed.

The immediate surroundings of all plants shall be kept in a neat clean condition.

ITEM 24. Ingredients. All mix and frozen desserts ingredients shall be clean, have a fresh wholesome flavor and odor and a normal appearance, and be of satisfactory quality.

All milk and milk products used shall be produced in accordance with all sections of the Milk Ordinance, and shall comply with the definition of Grade A or Grade B raw milk contained therein, provided that these requirements shall be complied with progressively, as follows:

By the end of the first year from the date of adoption of this ordinance, all milk and milk products shall comply with the following items of sanitation required by the Milk Ordinance and Code for the production of Grade A or Grade B raw milk for pasteurization: 1,4b, 6b, 7, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, and 23.

By the end of the second year from the date of adoption of this ordinance, all items of sanitation of the Milk Ordinance required for the production of Grade A or Grade B milk for pasteurization shall be satisfied.

All collecting stations at which milk and milk products are received shall comply with the following sanitation requirements of the Milk Ordinance for plants producing Grade A pasteurized milk; Items 1p to 14p, inclusive, and 17p, 19p, 22p 23p and 24p, except that the partitioning requirements of item 5p shall not apply. All establishments where milk and milk products are skimmed, condensed evaporated, powdered, manufactured into butter, or otherwise processed shall comply with the following items of the Milk Ordinance: 1p to 15p, inclusive, 19p, 23p, and 24p. No milk or milk products shall have an average bacterial plate court, as determined under Section 1 (N) and 6 of this ordinance, exceeding 200,000 per ml or per gram, or an average direct microscopic count exceeding 200,000 per ml or per gram if clumps are counted or 800,000 per ml per gram if individual organisms are counted, or an average reduction time of less than 6 hours.

Fruits, nuts, flavors, and other ingredients which are not pasteurized shall be handled or processed in a manner approved nu the health officer.

Grade B Mix and Frozen Desserts. Grade B mix and frozen desserts are those which meet all the requirements for Grade A, except the bacterial standard for frozen desserts and pasteurized mix, and except the requirements of Item 24 regarding the grade and the bacterial quality of the milk and milk products used and the specifications for receiving stations and processing establishments; provided that no milk or milk products shall be of lower grade than grade C raw milk as defined by the Milk Ordinance; provided further that no milk or milk products shall have an average bacterial plate court, as determined under Section 1 (N) and 6 of this ordinance, exceeding 1,ooo,ooo per ml or per gram, or an average direct microscopic court exceeding 1,000,000 per ml or per gram if clumps are counted or 4,000,000 per ml or per gram if individual organisms are counted, or an average reduction time of less than 3-1/2 hours; provided further, that the average bacterial count of the frozen desserts or of the pasteurized mix shall not at any time while in the possession of the plant exceed 80,000 per gram, as determined under Sections 1 (N) and 6 of this ordinance.

Grade C Mix and Frozen Desserts. Grade C mix and frozen desserts are those which do not meet the requirements for Grade B mix and frozen desserts.

SECTION 8. Frozen desserts which may be sold. From and after 12 months from the date on which this ordinance takes effect no mix or frozen desserts shall be sold to plants, to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments, except grades A and B. This section shall not be construed as forbidding the sale of grade C mix or frozen desserts during temporary periods of degrading not exceeding 30 consecutive days, or in emergencies such longer period as the health officer may deem necessary.

SECTION 9. Supplementary grading of plants prescribed and regrading authorized. If at any time between the regular announcements of the grades of mix and frozen desserts a lower grade shall become justified, the health officer shall, subject to the provisions of Section 5,6, and 7 of this ordinance, immediately lower the grade of said mix or frozen desserts and shall enforce proper labeling and placarding.

Any manufacturer or distributor of mix or frozen desserts, the grade of which has been lowered by the health officer, and who is complying with the labeling and placarding provisions of this ordinance may at any time make application for the regrading of his products.

Upon receipt of a satisfactory application, in case the lowered grade is the result of an unsatisfactory bacterial condition or cooling temperature, the health officer shall take further samples at the rate of not more than two samples per week. The health officer shall immediately regrade the products upward whenever the average of the last four sample results indicates the necessary compliance.

In case the lowered grade of the applicant's products is due to the violation of any item or items of the specifications presor bed in Section 7 other than bacterial condition or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item or items of the specifications have been confirmed with. Within one week of the receipt of such an application and statement the health officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and, in case the findings indicate compliance, shall regrade the products upward.

SECTION 10. Transferring or Packaging frozen desserts. No person shall transfer frozen desserts from one container to another or package the same on the street or in any vehicle or in any place except a sanitary room under approved conditions.

SECTION 11. Mix and frozen desserts from points beyond the limits of routine inspection of the City of Asheville. Mix and frozen desserts from points beyond the limits of routine inspection of the City of Asheville may not be sold in the City of Asheville, or its police jurisdiction, unless mixed, pasteurized, cooled, frozen, and packaged in compliance with grading provisions equivalent to the requirements of this ordinance, provided that the health officer shall satisfy himself that the health officer having jurisdiction over the manufacture is properly enforcing such provisions.

SECTION 12. Notification of disease. Notice shall be sent to the health officer immediately by any mix or frozen desserts distributor among whose employees any infectious, or communicable disease occurs.

SECTION 13. Future plants. All plants from which mix or frozen desserts are supplied to the City of Asheville, which are hereafter constructed, reconstructed, or extensively altered shall conform in their construction to the grade A requirements of this ordinance.

Properly prepared plans for all plants which are hereafter constructed, reconstructed, or extensively altered shall be submitted to the health officer for approval before work is begun.

SECTION 14. Procedure when infection suspected. When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of mix or frozen desserts, the health officer is authorized to require any or all of the following measures: (1) the immediate exclusion of that person from mix or frozen desserts handling; (2) the immediate exclusion of the supply concerned from distribution and use; (3) adequate medical and bacteriological examination of the person, of his association, and of his and their bodily discharges.

SECTION 15. Enforcement interpret ation. This ordinance shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1938 edition of the U. S. Public Health Service Frozen Desserts Code, a certified copy of which shall be on file in the office of the City Clerk, insofar as the said Code applies to and is not inconsistent with this ordinance.

SECTION 16. Penalty Any person who shall violate any of the provisions of this ordinance shall, upon conviction, be fined not more than $50.00 dollars, or imprisioned not more than ____ days, or both, in the discretion of the court. Each and every ciolation of the provisions of this ordinance will constitute a separate offense.

SECTION 17. Repeal and date of effect. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall be in full force and effect immediately upon adoption and its publication, as provided by law.

SECTION 18. Unconstitutionality clause. Should any section, paragraph, sentance, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

I move the adoption of the foregoing ordinance, this 29th day of June, 1939.

L. Lyons Lee
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted, this 13 day of July, 1939, to be effective 31 day of July, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Attorney James S. Howell presented claim of Julia Calloway for personal injuries in the amount of $1,500.00 as follows, which was referred to the Corporation Counsel and City Manager.

TO THE HONORABLE MAYOR AND COUNCILMEN OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

You will please take notice that the undersigned Julia Calloway, wife of Irving Calloway, 423 Patton Avenue, Asheville, North Carolina, pursuant to Section 244 of the City Charter, of the City of Asheville, hereby respectfully claims and demands damages of the City of Asheville as a result of personal injuries sustained by her on or about the 2nd day of July, 1939, at about 5 P.M., at which time the said Julia Calloway tripped and fell on the sidewalk immediately in front of No. 439 Patton Avenue, the tripping and falling having been brought about by reason of a loose brick in the defective sidewalk, which loose brick caused this claiment to twist her ankle, resulting in severe sprain to ankle and a wrenched knee.

That at said time and place and date, this claimant fell on the sidewalk by reason of defective condition in the sidewalk due to lack of repairs, by reason of the negligence of the employees of the City of Asheville is not maintaining the sidewalk in front of 439 Patton Avenue in repair.

That as a result of the defective condition of said sidewalk and the failure of the employees and agents of the City of Asheville to repair same and maintain same in repair, this claimant suffered severe injuries as hereinbefore set out and respectfully demands payment of Fifteen Hundred ($1,500.00)Dollars for personal injuries suffered by her.

That the sidewalk at said location has been in defective condition for some time, and the City of Asheville has failed to repair said sidewalk within a reasonable time, this claimant being forced to walk on sidewalk due to the hazard of walking in the street.

JULIA CALLOWAY, Claimant

By James S. Howell
Attorney

Norman Watts, representing the Negro Welfare League, thanked the City Council for providing a Negro Park and said more than 10,000 persons had used it since its opening. He also appealed for a swimming pool, and said the League would help furnish the Sponsors part if a WPA project could be gotten for the Swimming pool. This was referred to the City Manager.

. . . . . .

Judge R. M. Wells, appeared asking for improvement of Mears Avenue, a street in West Asheville. This was referred to the City Manager.

. . .

Resolution authorizing Mayor to execute quit-claim deeds was upon motion of Councilman Carland, seconded by Councilman Lee, unanimously passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
756	Rufus Wills, Sr.	196,199 201	7	6	Mary Catherine Wills
2761	Rufus Wills, Sr.	197	7	6	Lawrence Wills

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

Seconded by: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 13 day of July, 1939.

Holmes Bryson
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Upon motion of Councilman Lyone Lee, seconded by Councilman Eugene Carland, contract with the Carolina Power & Light Company for electric power service to the City's stone quarry at or near Rhododendron Park was unanimously passed.

RESOLUTION

The Mayor presented to the Council for consideration and action a proposed written contract with Carolina Power & Light Company for electric power service to the City's stone quarry at or near Rhododendron Park. The said proposed contract was read and discussed.

Thereupon Councilman Lyons Lee introduced the following written resolution, and moved its adoption:

BE IT RESOLVED BY THE BOARD OF COUNCILMEN OF THE CITY OF ASHEVILLE, NORTH CAROLINA,

That the Mayor and the City Clerk be, and they are hereby authorized, empowered and directed, in the name of and for and in behalf of the City of Asheville, N. C., to execute and deliver that certain written contract with Carolina Power & Light Company for electric service to the City's stone quarry at or near Rhododendron Park, which contract is dated July 13, 1939, and provides for the beginning of service on the 24th day of July, 1939, and, in event of notice, ending on the 24th day of July, 1940, to which contract is attached the Company's schedule of rates and rules and regulations covering such service, and which contract has been approved as to form by the Corporation Counsel and read and considered at this meeting.

The motion to adopt the foregoing resolution was seconded by Councilman Eugene Carland, and, after discussion, a vote was taken and the Mayor announced that the resolution had been duly adopted, there being 4 votes in favor thereof and no votes against it.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Councilman Divelbiss reported that the Auditorium Committee had visited on Tuesday and was no reason why the Auditorium could not be finished on schedule time, namely Oct. 15, 1939.

On motion, adjourned.

Mayor

Glenn Morris
City Clerk

July 20, 1939, 4:3[illegible] P. M.

The City Council met in regular session Thursday, July 20, 1939, in the Council Chamber, City Hall, with Mayor Bryson presiding. Present: Councilmen C. T. Bamford, Eugene Carland, J. E. Divelbiss, Jr., L. Lyone Lee, C. B. Starnes, City Manager P. M. Burdette, Philip C. Cocke, Jr., Corporation Counsel, and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Mr. Wayne Bramlett, W. T. Rowland, Jr., and other members of the Real Estate Board of the appeared before the City Council and read the following resolution on the possible increase of ad valorum taxes for the City and County.

RESOLUTION

WHEREAS, the Asheville newspapers have carried news items quoting the local government officials as stating that the proposed budgets of the City and County governments would, if adopted, require a substantial increase in the ad valorum tax rates for both city and county, and

WHEREAS, it is the opinion of the members of the Asheville Real Estate Board and interested property owners that real property in Asheville and Buncombe County is already paying the maximum amount of taxes that such property can stand, and

WHEREAS, any increase in ad valorum taxes will be necessively burdensome on the owners of said real property and will of necessity force the owners to pass on any additional tax burden to the tenants of residential, apartment and business properties through increased rentals,

THEREFORE, BE IT RESOLVED, that the Asheville Real Estate Board and interested property owners go on record as being opposed to any increase in ad valorum taxes in the City of Asheville and/or County of Buncombe, and that this resolution be presented to the City Council and the Board of County Commissioners and a copy of same be published in the Asheville Citizen and the Asheville Times.

This resolution adopted by the Asheville Real Estate Board and interested property owners by vote at a meeting held July 11, 1939.

Ordinance No. 263, entitled, "An Ordinance Amending Ordinance No. 260, being 'AN ORDINANCE LEVYING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1939, AND ENDING MAY 31, 1940' ", was introduced on its first reading and was unanimously passed with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Starnes voted "aye", and Councilman Bryson voted "aye".

Resolution authorizing the issuance of Tax Anticipation Notes of the City of Asheville in the sum not exceeding $100,000.00 was unanimously passed as follows:

RESOLUTION

RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE CITY OF ASHEVILLE IN THE SUM NOT EXCEEDING $100,000.00

WHEREAS, by Section 2932 of the Consolidated Statutes of the State of North the City of Asheville is authorized and empowered to borrow money for the purpose of meeting appropriations made for the current fiscal year, and within the amount of such appropriation; and

WHEREAS, it is now necessary that the City of Asheville shall borrow One Hundred Thousand Dollars to meet appropriations made for the current fiscal year; and

WHEREAS, funds are now available for loans to the City of Asheville in the Revolving Fund under supervision of the Sinking Fund Commission for Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

1. Subject to approval by the Local Government Commission of North Carolina and in accordance with the provisions of the Municipal Finance Act and the Local Government Act and other statutes applicable in the premises, the City of Asheville forthwith issue negotiable Tax Anticipation note in the total sum of One Hundred Thousand Dollars; that such note shall mature not later than October 10, 1939; and shall bear interest payable at maturity at a rate not in excess of three percent.

2. That, subject to approval of the Local Government Commission of North Carolina, such note be disposed of by private negotiations.

3. That the Mayor and City Clerk be jointly authorized to fix the rate of interest within the limitations herein prescribed; and to fix the form of said note; and to sign the said note and affix thereto the corporate seal of the City of Asheville; and to dispose of the said note in accordance with law.

4. That the said note shall be approved by the Corporation Counsel for the City of Asheville and his written approval indorsed thereon before issue.

BE IT FURTHER RESOLVED that the full faith and credit of the City of Asheville be and they are hereby pledged for the punctual payment of the principal of and interest on this note in accordance with its terms.

I move the adoption of the foregoing resolution.

C. E. Starnes
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 20th day of July, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK.

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the City Manager to advertise certain City property for sale was upon motion of Councilman Starnes, seconded by Councilman Carland, unanimously passed, as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN CITY PROPERTY FOR SALE

WHEREAS, the City of Asheville purchased a tract of land from Rebecca Fagan on the 8th day of November, 1929, the deed being recorded in the office of the deed being recorded in the office of the Register of Deeds for Buncombe County,

WHEREAS, it is the opinion of the City Council of the City of Asheville that said property is no longer needed or useful for governmental purposes and should be sold;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise said tract of land described in deed book 409 at page 403 in the office of the Register of Deeds for Buncombe County, North Carolina for sale in accordance with the statute, and sell the same at the Court House door to the highest bidder, reserving, however, to the City of Asheville the right to go upon and use the said land described in said deed for street widening purposes at any time within a period of five years from date of deed to purchaser upon repayment to the purchaser of the amount of the purchase price, and also the City reserves the right to reject any and all bids.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: Eugene Carland
COUNCILMAN

Read, approved and adopted, this 20th day of June, 1939.

Holmes Bryson
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution approving the action of the adoption of Rules and Regulations of the Civil Service Board of the City of Asheville was upon motion of Councilman Benford, seconded by Councilman Carland, unanimously adopted, as follows:

RESOLUTION APPROVING THE ACTION OF THE ADOPTION OF RULES AND REGULATIONS OF THE CIVIL SERVICE BOARD OF THE CITY OF ASHEVILLE

WHEREAS, under the Civil Service Act for the City of Asheville the City Council of the City of Asheville is required to approve any rules adopted by the Civil Service Board created thereunder; and

WHEREAS, the Civil Service Board has adopted certain rules and regulations in regard to the members of the classified service of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the rules and regulations adopted by the Civil Service Board of the City of Asheville be and the same are hereby approved, a copy of said rules and regulations being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

C. B. Benford
COUNCILMAN

SECONDED BY: Eugene Carland
COUNCILMAN

Read, approved and adopted, this 20th day of July, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

The meeting was upon motion, adjourned.

Holmes Bryson,
Mayor.

Glenn Morris
City Clerk.

July 27, 1939, 4:30 P. M.

The City Council met in regular session Thursday, July 27, 1939, in the Council Chamber, City Hall, with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, Eugene Carland, L. Lyons Lee, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Ordinance No. 263, entitled, AN ORDINANCE AMENDING ORDINANCE NO. 260, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DETERMINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1939, AND ENDING MAY 31, 1940." was unanimous passed on its second reading with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Lee voted "aye", Councilman Starnes voted "aye", and Councilman Bryson voted "aye".

Attorney Robert Lee Smith and Mr. Junius Allison representing a group from the Biltmore College, appeared before the Council to present the benefits of the College to the City in the way of interesting home seekers in a City of intellectual leadership, as well as helping young people of our City attain two more years of school work, who cannot afford higher education elsewhere.

Mayor Bryson assured the delegation that the City Council had been studying ways and means to help Biltmore College for weeks, and that the Council has a deep interest in the College, and every consideration would be given this institution.

Resolution authorizing the Mayor to execute deed to Mrs. Goldie Walter was upon motion of Councilman Bamford, seconded by Councilman Lee, unanimously passed, as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE DEED TO MRS. GOLDIE WALTER

WHEREAS, on the 10th day of July, 1939, the City of Asheville sold at the Court House door of Buncombe County to Mrs. Goldie Walter certain property hereinafter described, which property had been advertised in The Asheville Times, a newspaper published in the City of Asheville, as required by law, said Mrs. Goldie Walter being the highest bidder for said property, said bid being in the amount of $370.00; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a deed, attested by the City Clerk, to Mrs. Goldie Walter conveying the following property:

Lying and being in the County of Buncombe, State of North Carolina, and being Lots 56 and 57, Ward 5, Sheet 22.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 27th day of July, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson,
Mayor

Glenn Morris
City Clerk

August 4, 1939, 4:30 P. M.

The City Council met in regular session Thursday, August 4, 1939, in the Council Chamber, City Hall, with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, Eugene Carland, J. E. Divelbiss, Jr., L. Lyons Lee, O. E. Starnes, P. M. Burdette, City Manager, Philip C. Cocke, Jr., Corporation Counsel, and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

A delegation interested in Sondley Library remaining in its present location, namely the City Hall, appeared before the Council to present petitions signed by interested persons, and Mr. J. H. Cain was the spokesman for the group. Miss Parker, Miss Annie Westall, a member of the Library Board, and Mr. Henry Sharp also spoke in favor. Councilman Lee suggested that the petitions be filed with Sondley Library after the Council had gone over them carefully. This was ordered done by Mayor Bryson.

Albert McHaffay and Will Townsand who have been on the Pension list appeared before the Council to ask that their pensions be not reduced. Mayor Bryson assured them they would be given consideration.

Ordinance No. 263, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 260, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DETERMINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1939, AND ENDING MAY 31, 1940" was passed on its third and final reading with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Starnes voted "aye", and Councilman Bryson voted "aye". This Ordinance will be effective August 3, 1939.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson,

Glenn Morris
City Clerk

August 10, 1939, 4:30 P. M.

The City Council met in regular session Thursday, August 10, 1939, in the Council Chamber, City Hall, with Vice-Mayor L. Lyone Lee presiding. Present: Councilmen C. R. Bamford, J. E. Divelbiss, Jr., O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Lee.

Minutes of the previous meeting were read and approved.

Resolution requesting The Industrial Commission of the State of North Carolina to approve the Action of the City of Asheville in Cancelling its Workmen's Compensation Insurance and Becoming a Self-Insurer as of June 10, 1939, was upon motion of Councilman O. E. Starnes, seconded by Councilman C. R. Bamford, unanimously passed as follows:

RESOLUTION

RESOLUTION REQUESTING THE INDUSTRIAL COMMISSION OF THE STATE OF NORTH CAROLINA TO APPROVE THE ACTION OF THE CITY OF ASHEVILLE IN CANCELLING ITS WORKMEN'S COMPENSATION INSURANCE AND BECOMING A SELF-INSURER AS OF JUNE 1, 1939.

WHEREAS, the governing body of the City of Asheville deems it necessary to cancel its compensation insurance and become a self-insurer; and

WHEREAS, in lieu of said insurance the City of Asheville has placed a reserve fund of $2,000 for the payment of any claims that the Industrial Commission might approve; and

WHEREAS, until further notice the governing body of the City of Asheville has authorized the City Manager to strike out of the budget that portion of money heretofore set out in the budget to pay premiums for compensation insurance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE;

That a reserve of $2,000 be set up in the budget for the prompt payment of any claims that might be awarded its employees under the Workmen's Compensation Act, and that from June 10, 1939 until further notice the City of Asheville be and the same is hereby a self-insurer, subject to the approval of the Industrial Commission of the State of North Carolina.

BE IT FURTHER RESOLVED that a copy of this resolution be sent for approval to the Industrial Commission, as set out above.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 10th day of August, 1939.

L. Lyons Lee
V- Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution adopting the Budget for the City of Asheville for the fiscal year beginning July 1, 1939 and ending June 30, 1940, was unanimously adopted as follows:

RESOLUTION

RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1939 AND ENDING JUNE 30, 1940.

WHEREAS, the City Manager of the City of Asheville presented to the City Council this the 10th day of August, 1939, the operating and debt service budget for the City of Asheville for the fiscal year beginning July 1, 1939, and ending June 30, 1940, and the budget as presented shows the amount to be expended for the operation of the various departments of the City of Asheville and the amount to be expended for debt service as follows:

(a)	General Government	$146,390.03
(b)	Law	19,296.00
(c)	Finance	22,134.40
(d)	Public Welfare	42,277.10
(e)	Public Safety	275,638.00
(f)	Libraries	18,000.00
(g)	Civil Service	570.00
(h)	Public Works	180,153.40
(i)	Parks and Play Grounds	46,561.50
(j)	Engineering	6,000.00
	Operating deficit from 1938-39	29,000.00
	Total operating	786,020.43
	Debt Service	
	Principal and Interest	
	General Refunding Bonds	338,356.00
	Water Refunding Bonds	200,000.00
	Total Debt Service	538,356.00
	Total appropriations	$ 1,324,376.43

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the budget as presented to the City Council by the City Manager on the 10th day of August, 1939 covering the City of Asheville operating and debt service appropriations, as outlined above, the total being $1,324,376.43, be approved and the same is hereby adopted as the budget of the City of Asheville for the fiscal year 1939-1940.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

Seconded by:
C. R. Bamford
Councilman

Read, approved and adopted this 10 day of August, 1939.

L. Lyons Lee
V- Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing Mayor to execute quit-claim deed was introduced by motion of Councilman Divelbiss, [illegible] Councilman Bamford, unanimously adopted, as follows:

RESOLUTION

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for various pieces of property for the year 1934; and

WHEREAS, the General Assembly of North Carolina at its 1939 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 187 ratified March 21, 1939 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and costs, without advertising; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	NAME	LOT	[illegible]	[illegible]	[illegible]
1955	[illegible] Logan	20	17	f	West Lower [illegible]

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above provided for, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

Seconded by: C. R. Bamford
Councilman

Read, approved and adopted, this 10 day of August, 1939.

L. Lyons Lee
V-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
V-Mayor.

Glenn Morris
City Clerk

August 17, 1939, 4:30 P. M.

On account of lack of a quorum, no meeting of the City Council was held August 17, 1939.

Glenn Morris
City Clerk

August 24, 1939, 4:30 P. M.

The City Council met in regular session Thursday, August 24, 1939, in the Council Chamber, City Hall, with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, O. E. Barnes, L. Irons Lee, City Manager P. F. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Gelmer Bryson.

Minutes of the previous meeting were read and approved.

[illegible] appeared before the Council to ask that no taxes be charged on a lot on Charlotte Street, which is being used for park purposes, and which belongs to Dr. Herbert L. Ellis, negro physician. The matter was referred to the City Manager for investigation.

Attorney Sanford Brown presented claim of Elizabeth Mills Rector for $3,000 for alleged overflow of sewage on a certain lot belonging to Mrs. Rector at the intersection of Richland Street with Waynesville Avenue as follows, which was referred to the Corporation Counsel and City Manager:

[illegible] TO THE CITY MANAGER, MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE

[illegible] :

vs. : NOTICE OF CLAIM

CITY OF ASHEVILLE :

ELIZABETH MILLS [illegible], claimant above named, hereby gives notice and makes claim as follows:

1.

That the claimant is the owner of that certain piece, parcel or lot of land with improvements thereon situate in the northwestern corner of the intersection of Richland Street with Waynesville Avenue in the City of Asheville, aforenamed County and State, and described in that certain deed from Richard L. Horton and wife, Nellie B. Horton, to Mrs. Lizzie Mills (now Rector), dated August 13, 1926, and recorded in the Register of Deeds Office for Buncombe County, North Carolina, in Book of Deeds 382 at Page 79, the description contained in said Deed being as follows:

> Lying and being in the City of Asheville, formerly West Asheville, aforesaid, this and County, and bounded and more particularly described as follows:
>
> BEGINNING at a stake in the west margin of Waynesville Avenue at a point where said Avenue intersects the North margin of Ridgeway Avenue, and runs thence with the Southern margin of said Ridgeway Avenue North 73 Deg. West 175 feet to a stake in the Southern margin of said Ridgeway Avenue; thence South 15 Deg. 15' West 37 feet to a stake; thence South 58 Deg. East 146 feet to a stake in the West margin of Waynesville Avenue; common corner of lots Nos. 1 and 2 as shown on a map hereinafter referred to; thence North with the said margin of Waynesville Avenue 39 Deg. 15' East 75 feet to the beginning and being lot #1 of a plat of the J. B. Hill property in West Asheville made by Charles L. Seal, C. E., and recorded in plat book #2 at page 44 in the office of the Register of Deeds for Buncombe County, N. C.

2.

That during the [illegible] immediately [illegible] the City of Asheville [illegible] sewerage from surface [illegible] water from Richland [illegible] Alley for [illegible] room of ditches, [illegible] side of the claimant's [illegible] in bulk or [illegible]

3.

That the [illegible] the water [illegible] side of the claimant's [illegible] the City of Asheville [illegible] side at said place [illegible] water or sewerage over the [illegible] and under Waynesville [illegible] is too small for said purpose; that [illegible] side being about one [illegible] adequate same should be at said place [illegible] adequate culvert or [illegible] city dam and flood the [illegible] of the claimant's store building [illegible] said place and to overflow [illegible] available stream into [illegible] overflow during heavy [illegible] building and to thereby [illegible] the creek or reservoir and [illegible] at said place and kill [illegible] in her back yard and [illegible] nuisance.

4.

That the [illegible] the City of Asheville [illegible] the foundations of the [illegible] building and [illegible] said buildings and the [illegible] buildings continuously [illegible] ter said premises have been rendered extremely unsanitary and [illegible] and use and that all of same are rendered [illegible] ($3,000.00) dollars.

5.

That in addition to the foregoing the claimant [illegible] above-stated conditions be immediately corrected by the City of Asheville by [illegible] sewerage away from the claimant's said property or [illegible] entirely through same of sufficient size to convey said sewerage under [illegible] the owners and occupants of the dwellings immediately [illegible] made to discontinue the use of surface toilets and to connect with [illegible] time the use of said premises for residential purposes.

WHEREFORE, the claimant hereby makes claim:

(1) For [illegible] thousand dollars for the damages [illegible] and

(2) That the condition causing said damages be immediately corrected.

[illegible]
Attorney for Claimant

NORTH CAROLINA
BUNCOMBE COUNTY

ELIZABETH MILLS RECTOR, being first duly sworn, deposes and says:

That she is the claimant in the above entitled Notice; that she has read or heard read the same and knows the contents thereof; that the same is true of her own knowledge except as to those matters and things therein stated upon information and belief, and as to such matters she believes it to be true.

Elizabeth Mills Rector

SWORN to and subscribed before me this the 23rd day of August, 1939.

Virginia Velton
Notary Public

My commission expires:

April 22, 1941

(Seal)

[illegible]

Mr. L. A. Barnett appeared to ask if the Council could give any relief to persons who are being cut off WPA under the clause requiring those who have been on WPA for eighteen months to go off the rolls for at least 30 days. City Manager Burdette explained that all relief matters are handled through the County Welfare Department.

Ordinance No. 264, entitled, "An Ordinance Adopting and Appropriating the Operating Budget of the City of Asheville for the Fiscal Year 1939-1940", was introduced on its first reading and was unanimously passed with the following vote: Councilman Bamford voted "aye", Councilman Lee voted "aye", Councilman Starnes voted "aye", and Councilman Bryson voted "aye".

There being no further business, the meeting was upon motion adjourned.

Acting City Clerk

Thursday, August 31, 1939--4:30 P. M.

The City Council met in regular session Thursday, August 31, 1939, with Mayor Bryson presiding. Present: Councilmen C. J. Bamford, J. E. Divelbiss, Jr., L. Lyons Lee, C. D. Starnes, City Manager P. L. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Communications were read from Mrs. H. G. Etheridge, thanking the Council for flowers sent to Councilman Etheridge while in the hospital, and letter from Mr. and Mrs. Clyde C. Reed, Jr., and Mrs. Maude Reed McCall expressing appreciation for flowers sent to the funeral of Mr. Clyde Reed, Sr.

Attorney M. Earle Donnahoe filed claim for his client Mr. E. A. Frye for alleged damages resulting from inadequate drains and sewers in and around his property at 35 S. French Broad Avenue. This claim was referred to the Corporation Counsel and City Manager, as follows:

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF ASHEVILLE, STATE OF NORTH CAROLINA.

This is to show that the undersigned attorney hereby makes a claim in the sum of One Thousand Dollars ($1,000.00) against the city of Asheville on behalf of E. A. Frye for loss so sustained by said claimant under the following circumstances:

1.

That claimant is the owner and occupier of a dwelling house located at 35 South French Broad Avenue in said City of Asheville; that for a period of several years prior hereto, the drains and sewers in and around said property have been inadequate to drain off the natural rain fall, and that as a result thereof, waste water and material of a noxious character have washed over claimant's premises after each heavy rain fall.

2.

That on or about June 19, 1939, another heavy rainfall occurred which overflowed over claimant's property doing great damage thereto, including the destruction of a vegetable garden, the destruction of an ornamental rock garden, and otherwise damaging the claimant's driveway and premises, all to the claimant's damage in the amount of $1,000.00.

This 31 day of August, 1939.

M. Earle Donnahoe
Attorney for claimant.

Mr. Duncan Dean, representing the Civic Theatre group and Dr. Paul Ringer, Mr. George Cowgill, and Mr. J. Vanderhoeven representing the Civic Music Association asked the Council for definite dates that the Auditorium would be available for plays that these organizations had arranged schedules for during the fall and early winter months. City Manager Burdette explained that the contract called for the completion of the Auditorium October 15, and that the contractors had been notified by the City and the Government officials that the penalty clause would be enforced. Seats and stage equipment have been advertised for and bids will be received on Sept. 15. The matter of rising seats would have to be taken care of later, the City Manager explained, probably by spring.

Resolution authorizing the Mayor to execute quit-claim deed to Caleb L. Davis for property on Clingman Avenue was upon motion of Councilman Divelbiss, seconded by Councilman Lee, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO CALEB L. DAVIS FOR CERTAIN PROPERTY ON CLINGMAN AVENUE.

WHEREAS, when Clingman Avenue was laved there was a little strip of land on Lots P, S, T and U as shown in Book 83 at page 641 in the Office of the Register of Deeds for Buncombe County, which does not follow the street line; and

WHEREAS, Clingman Avenue was laved on another line; and

WHEREAS, the city will never use said strip, and buildings have been placed thereon on Lots S and T; and

WHEREAS, Caleb L. Davis has requested that the city give him a quit-claim deed to said strip of land;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is authorized and hereby authorized to execute a quit-claim deed to Caleb L. Davis for that portion of the property as set out on survey by Parker & Lawrence on the 27th day of July, 1939, which map is attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

SECONDED BY: L. Lyons Lee
Councilman

Read, approved and adopted, this 31 day of August, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Ordinance No. 264, entitled, "An Ordinance Adopting and Appropriating the Operating Budget of the City of Asheville for the fiscal year 1939-1940", was unanimously passed on its second reading with the following vote: Councilman Lee voted "Aye", Councilman Bamford voted "Aye", Councilman Starnes voted "aye" and Councilman Bryson voted "aye".

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Thursday, September 7, 1939--4:30 P. M.

The City Council met in regular session Thursday, September 7, 1939, at 4:30 P. M. in the [illegible], City Hall, with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, [illegible] Carland, L. Lyons Lee, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the preceding meeting were read and approved.

Communication from Mrs. Martha Lominac was read thanking the Mayor and City Council for flowers sent to her upon her retirement as matron of Police Department.

Ordinance No. 264, entitled, "An Ordinance adopting and appropriating the Operating Budget of the City of Asheville for the Fiscal Year 1939-1940" was ananimously adopted on its third and final reading with the following vote: Councilman Lee voted "aye", Councilman Bamford voted "aye", Councilman Starnes voted "aye", Councilman Carland voted "aye", and Councilman Bryson voted "aye". The ordinance was ordered published and will be effective Sept. 25, 1939.

ORDINANCE NO. 264

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1939-1940.

WHEREAS, on the 10th day of August, 1939 the City Council of the City of Asheville adopted an operating budget in the amount of $786,020.43 with a debt service of $538,356.00, making a total appropriation of $1,324,376.43;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following operating budget is hereby adopted and the amounts indicated herein appropriated for the operation of the different departments of the City of Asheville for the fiscal year beginning July 1, 1939, and ending June 30, 1940, inclusive:

(a) General Government	$146,390.03
(b) Law	19,296.00
(c) Finance	22,134.40
(d) Public Welfare	42,277.10
(e) Public Safety	275,638.00
(f) Libraries	18,000.00
(g) Civil Service	570.00
(h) Public Works	180,153.40
(i) Parks and Play Grounds	46,561.50
(k) Engineering	6,000.00
Operating deficit from 1938-1939	29,000.00
	786,020.43
Debt Service	
Principal and Interest	
General Refunding Bonds	338,356.00
Water Refunding Bonds	200,000.00
Total debt service	538,356.00
Total appropriations	$1,324,376.43

Section 2. That a tax rate of 1.53 per $100.00 valuation upon all property of every nature within the corporate limits of the City of Asheville (.6271 per $100.00 valuation for debt service, and .9029 per $100.00 valuation for operating expenses) be and the same is hereby levied, and ordered to be collected in accordance with law for the fiscal year 1939-40, as aforesaid.

Section 3. That the Director of Finance of the City of Asheville is hereby authorized to make the expenditures for the operation of the departments of the City of Asheville and debt service in accordance with the budget adopted and approved as aforesaid.

I move the adoption of the foregoing ordinance, this 24 day of August, 1939.

L. Lyons Lee
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 7th day of September, 1939, to become effective 25th day of September, 1939.

Holmes Bryson
Mayor

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Glenn Morris
City Clerk

Claim of Mrs. [illegible] Little of 303 Merrimon Avenue was presented by her Attorney F. Miller Killen for [illegible] personal damages in the sum of $[illegible], which was referred to the Corporation [illegible] Manager.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

CLAIM AND [illegible]

I, [illegible], [illegible] of 303 Merrimon Avenue, [illegible],
[illegible], [illegible],
[illegible], [illegible] CITY.

TO CORPORATION [illegible] OF THE CITY OF ASHEVILLE: [illegible] of 303 Merrimon Avenue, [illegible] by her attorneys, McKinney & Killen, [illegible], and files a claim for damages against the City of Asheville, in the sum of Five (Sixty-five Hundred Dollars). [illegible] claim for the following reasons:

That the City of Asheville owns and maintains a storm sewer located in front of 72 Magnolia Street, [illegible] City of Asheville, North Carolina. That said storm sewer has a square metal top. That the City of Asheville negligently allowed the cover of said storm sewer to become out of repair in that the cover of said storm sewer is [illegible] small and that due to rust and corrosion, portions of said storm sewer have become [illegible] That the cover when stepped on, will tilt. That the City has allowed said storm sewer cover, through negligence, [illegible] to become out of repair, to become dangerous and unsafe. That several people prior to this plaintiff, have been injured at this same place. That the City has been notified by several residents of the City, [illegible] of this dangerous condition, but the City has failed and neglected to remedy same. That on June [illegible], 1939, the claimant herein, [illegible] was residing on Magnolia Street, [illegible] and was walking [illegible] a car parked on Magnolia Street, stepped on the tilt cover of said storm sewer. That [illegible] and that this claimant fell into the storm sewer and received [illegible] to-wit:

One of the claimant's jaw teeth was broken off. That claimant received severe injury to her right hip, pelvis, abdomen and back.

That claiment has been forced to be under the care of a physician from the date of injury to the present. That she is advised that she will have to continue taking treatment for some time to come.

That plaintiff requests that the original of this notice be filed and that proper notation made on the minutes of the proceedings of the City Council.

PRESENTED this the 7th day of September, 1939.

McKinney & Killen
Attorneys For the Claimant.

Resolution authorizing the Mayor to enter into a lease with Kenneth J. Glenn for the property known as the Municipal Golf Course located on the Black Mountain Highway in the County of Buncombe was upon motion of Councilman Carland, seconded by Councilmen Starnes, unanimously passed; said lease being for a period of two years from August 1, 1939 to August 1, 1941.

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE WITH KENNETH J. GLENN FOR THE PROPERTY KNOWN AS THE MUNICIPAL GOLF COURSE LOCATED ON THE BLACK MOUNTAIN HIGHWAY IN THE COUNTY OF BUNCOMBE.

WHEREAS, a certain proposal to lease the Municipal Golf Course on the Black Mountain Highway owned by the City of Asheville has been made to the governing body of the city; and

WHEREAS, the governing body of the city deems it advisable to lease said golf course for the purpose of relieving the City of Asheville of certain expenditures and for the revenue derived therefrom:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized and instructed to enter into a lease with Kenneth J. Glenn for the Municipal Golf Course on the Black Mountain Highway and owned by the City of Asheville, said lease being attached here-to and made a part of this resolution.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

... , ... accepted, this 7 day of September, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

...:

Philip C. Cocke, Jr.
...

There being no further business, the meeting was upon motion, adjourned.

Mayor.

Glenn Morris
City Clerk.

September 14, 1939--4:30 P. M.

The City Council met in regular session Thursday, September 14, 1939, in the Council Chamber, City Hall, with Mayor Bryson presiding. Present: Councilmen J. E. Livelbiss, Jr., C. R. Bamford, Eugene Garland, C. E. Starnes, Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the preceding meeting were read and approved.

Resolution making successor of Robert E. Shuford, deceased, on Asheville-Weaverville Airport Committee, was upon motion of Councilman C. E. Starnes, seconded by Councilman C. R. Bamford, unanimously passed as follows:

RESOLUTION MAKING SUCCESSOR OF ROBERT E. SHUFORD, DECEASED, ON ASHEVILLE-WEAVERVILLE AIRPORT COMMITTEE.

WHEREAS, Robert E. Shuford is now deceased; and

WHEREAS, the City of Asheville is represented by P. M. Burdette on a committee composed of ... Madden and B. ... Buchanan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Junius W. Horner, Jr. be and he is hereby named in the place and stead of Robert E. Shuford to act on said committee for the City of Asheville with P. M. Burdette.

I move the adoption of the foregoing resolution.

C. E. Starnes
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 14th day of September, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

Approved as to form:
Philip C. Cocke, Jr.,
Corporation Counsel.

A resolution ... the ... offer of the ... was presented by Councilman ... Lee. ... following Councilmen voted "... Councilmen J. E. Livelbiss, Jr., L. Lyons Lee, ... Eugene Garland, O. E. ... Mayor Holmes Bryson. ... absent. The resolution ... unanimous vote of the Council.

A ...

...:

Section 1. ... to accept the contract between the ... America and ... Asheville, which Contract, as amended, will provide for aid by way of grant in financing the construction of a ... which amendatory offer is made as follows, be and the same is hereby in all respects accepted:

... 1-2

Federal Works Agency
... Works Administration

...

...

PWA Project No. ...-F

City of Asheville,

Asheville, North Carolina

1. The United States of America hereby offers to amend the contract created by the acceptance by the City of Asheville, North Carolina, on August 18, 1938, of the Offer made by the United States of America dated August 11, 1938, by striking out, in Line 4 of Paragraph 1 of said Offer, the words "including the necessary equipment therefor" and the comma immediately preceding such words.

2. By acceptance of this Offer the City of Asheville, North Carolina, covenants that it will fully equip the City Auditorium construction as to be constructed pursuant to the said contract, as amended by the acceptance of this Offer: Provided, however, that the United States of America shall be under no obligation to aid in such equipping or to pay any grant on account of the cost thereof.

...

Federal Works Administrator

By ... W. Clark
... Commissioner of Public Works

Section 2. The City of Asheville agrees to abide by all the Terms and Conditions which were made a part of the offer of the United States of America dated August 11, 1938, as amended by the offer hereinabove accepted.

Section 3. The Clerk be and he is hereby authorized and directed to send to the Public Works Administration three certified copies of the proceedings in connection with the adoption of this resolution, setting forth this resolution in full, and such further documents or proofs in connection with the acceptance of the amendatory offer as may be requested by the Commissioner of Public Works.

I move the adoption of the foregoing resolution.

C. R. Bamford
Councilman

SECONDED BY: L. Lyons Lee
Councilman

Read, approved and adopted, this 14th day of September, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

...ation basis, etc, the meeting was upon motion, adjourned.

...ester, Esq.

Glenn Morris,
City Clerk.

...ber 21, 1939--4:30 P. M.

The City ... in regular session Thursday, September 21, 1939, at 4:30 ... with Vice-Mayor I. Lyons Lee presiding. Present: Councilmen C. A. ...Cord, Eugene ...land, J. E. ...ilton, Jr., J. ... ...ville, ...mer, City Manager ... ...Burnette, ..., Jr., and Vice-Mayor I. Lyons Lee.

... ... approved.

... ... Lease with General Outdoor Advertising ... ..., seconded by Councilman Carland, unanimously ... as follows:

... ... CITY ... LEASE WITH ...
... ...

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place a certain sign board on a lot ... noted in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, ..., BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ...:

That the Mayor is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I ... the adoption of the foregoing resolution.

J. E. ...ilbiss, Jr.
COUNCILMAN

... ...: Eugene Carland
COUNCILMAN

..., a motion ... adopted this 21 day of Sept. 1939.

Lyons Lee
Vice-Mayor

... AS TO FORM:
Philip ... Cooke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the issuance of Tax Anticipation notes of the City of Asheville in the sum not exceeding $215,000.00 was upon motion of Councilman Carland, seconded by Councilman ...ford, unanimously passed.

RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE CITY OF ASHEVILLE IN THE SUM NOT EXCEEDING $215,000.00

WHEREAS, by Section 2932 of the Consolidated Statutes of the State of North Carolina the City of Asheville is authorized and empowered to borrow money for the purpose of meeting appropriations made for the current fiscal year in anticipation of the collection of the taxes and revenue of such fiscal year, and within the amount of such appropriation; and

WHEREAS, it is now necessary that the City of Asheville shall borrow Two Hundred and fifteen Thousand Dollars to meet appropriations made for the current fiscal year; and

WHEREAS, funds are now available for loans to the City of Asheville in the Revolving Fund under supervision of the Sinking Fund Commission for Buncombe County;

...,

1. ... in accordance ... other statute ... tax anticipation ... one notes in the sum ... dollars; that such notes ... maturity ...

2. That ... under the limitation ... seal ... and affix ... said notes in accordance ...

3. That the ... shall be approved by the ... City of Asheville and ... approval indorse thereon ... hereof.

BE IT ... that the full faith and ... be and they are hereby ... principal payments ... said notes in accordance ...

I move the ... foregoing resolution.

...

...:

Read, approved ..., this ... day of ..., 1939.

I. Lyons Lee

...

... AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

There being no ... business, upon motion ... adjourned.

Glenn Morris
City Clerk

...ber 1, 1939--4:30 P. M.

...session Thursday, September 28, 1939, at ... present: ...rsion Eugene Carland, C. C. Torres, ..., ..., ... Brison, ... Coe, Corporation Counsel Philip C. Cocke, Jr., ...

...and was approved.

...Administration for extension of completion ..., 1939 was upon motion of Councilman ..., ..., unanimously adopted as follows:

RESOLUTION REQUESTING EXTENSION OF COMPLETION DATE ON CONTRACT WITH ROBINSON BROS., INC., FOR CONSTRUCTION OF CIVIC AUDITORIUM AND CONVENTION HALL.

WHEREAS, it was understood by the governing body of the City of ... that it was impossible for the contract on the ... to be completed by the date set out in the original contract on ..., 1939, and ... extended the contract of Robinson Bros., Inc., ..., the ... Engineering Company to November 1, 1939 ... Auditorium and Convention Hall; and

WHEREAS, the ... of the City of Asheville has been advised by its architect ... Auditorium and Convention Hall, Order No. ..., dated November 11, 1939;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the governing body of the City of Asheville hereby requests ... extend the ... completion date for the Asheville Auditorium and Convention Hall from October 1, 1939 to December 15, 1939.

... adoption.

...

...

...

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] with Lenno[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1939.

Elmer Wilson
Mayor

Elmer Morris
City Clerk

[illegible] session, adjourned.

Elmer Wilson

Glenn Morris
City Clerk

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Elmer Wilson

Glenn Morris
City Clerk

[illegible]

Glenn Morris

Glenn Morris

Glenn Morris

Glenn Morris

Glenn Morris
City Clerk

Glenn Morris

Gouverneur Morris

L. Lyons Lee

Glenn Morris

L. Lyons Lee

Glenn Morris

Johns Bryson

Glenn Morris

L. Lyons Jr.

Glenn Morris

Glenn Morris

Glenn Morris

ersity

, 1940.

Thursday, February 22, 1940--4:30 P. M.

The City Council met in regular session Thursday, February 22, 1940, at 4:30 P.M., with Vice-Mayor L. Lyons Lee presiding. Present: Councilmen O. E. Starnes, H. G. Etheridge, J. E. Divelbiss, Jr., Philip C. Cooke, Jr., and Vice-Mayor Lee.

Minutes of the previous meetings were read and approved.

Letter of thanks was read from the family of Mr. William L. Lyons, father of Mrs. P. M. Burdette, for expressions of sympathy and floral offering.

Resolution extending the date of completion of the Asheville Auditorium and Convention Hall under contract with J. L. Powers was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously adopted as follows:

RESOLUTION EXTENDING THE DATE OF COMPLETION OF THE ASHEVILLE AUDITORIUM AND CONVENTION HALL UNDER CONTRACT WITH J. L. POWERS.

WHEREAS, it has been brought to the attention of the City Council of the City of Asheville by its architect Lindsey Madison Gudger that it is impossible for the contract for the Asheville Auditorium and Convention Hall to be completed by the date set out in the original contract, namely May 15, 1939, and that an extension of time to December 29, 1939 for the completion thereof is requested by J. L. Powers, said request being recommended by the architect Lindsey Madison Gudger; and

WHEREAS, this request is made due to the general contract being extended, as set out in the application to the Regional Director of the Public Works Administration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the time for the completion of the Asheville Auditorium and Convention Hall be extended until December 29, 1939; and that said extension has been made by the governing body of the City of Asheville subject to the approval of the Public Works Administration.

Section 2. That this resolution serve as a request to the Public Works Administration for the extension set out herein.

Section 3. That the City Council of the City of Asheville waives its claim to liquidated damages for time taken in the completion of the contract over that set out in the contract prior to December 29, 1939, the number of days being 228 and the amount of $50.00 per day being a total of $11,400.00.

I move the adoption of the foregoing resolution.

O. E. Starnes
Councilman

H. G. Etheridge
Councilman

Read, approved and adopted, this 22 day of February, 1940.

L. Lyons Lee
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

Resolution extending the date of completion of the Asheville Auditorium and Convention Hall under contract with Reliance Engineering Company was upon motion of Councilman Divelbiss, seconded by Councilman Starnes, unanimously adopted as follows:

RESOLUTION EXTENDING THE DATE OF COMPLETION OF THE ASHEVILLE AUDITORIUM AND CONVENTION HALL UNDER CONTRACT WITH RELIANCE ENGINEERING COMPANY

WHEREAS, it has been brought to the attention of the City Council of the City of Asheville by its architect Lindsey Madison Gudger that it is impossible for the contract for the Asheville Auditorium and Convention Hall to be completed by the date set out in the original contract, namely July 29, 1939, and that an extension of time to December 26, 1939 for the completion thereof is requested by Reliance Engineering Co., said request being recommended by the architect Lindsey Madison Gudger; and

WHEREAS, this request is made due to the general contract being extended, as set out in the application to the Regional Director of the Public Works Administration:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. T hat the time for the completion of the Asheville Auditorium and Convention Hall be extended until December 26, 1939; and that said extension has been made by the governing body of the City of Asheville subject to the approval of the Public Works Administration.

Section 2. That this resolution serve as a request to the Public Works Administration for the extension set out herein.

Section 3. That the City Council of the City of Asheville waives its claim to liquidated damages for time taken in the completion of the contract over that set out in the contract prior to December 26, 1939, the number of days being 150 and the amount at $50.00 per day being a total of $7,500.00.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

Seconded by: O. E. Starnes
Councilman

Read, approved and adopted, this 22 day of February, 1940.

L. Lyons Lee
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing Mayor to execute quit-claim deed to County of Buncombe was upon motion of Councilman Etheridge, seconded by Councilman Divelbiss, unanimously adopted as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO COUNTY OF BUNCOMBE

WHEREAS, the Board of Financial Control for Buncombe County acquired title to a number of pieces of property through liquidation of collateral security which belonged to the City of Asheville or the County of Buncombe, or both; and

WHEREAS, by an act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or held by said Board was transferred to the City of Asheville and the County of Buncombe as their interest may appear; and

WHEREAS, the records of the City of Asheville, the County of Buncombe and the Board of Financial Control reveal that the County of Buncombe is the sole owner of a certain piece of property, which property is known as #59 Broadway in the City of Asheville; and

WHEREAS, it has been pointed out that the records in the office of the Register of Deeds do not reveal the true ownership of said property and the County of Buncombe has requested the City of Asheville to execute a quit-claim deed for said property in order to clear up any question as to the ownership and title; and

WHEREAS, the City of Asheville does not own and claims no interest in the property above mentioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CTTY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized to execute a quit-claim deed

to Buncombe County for the property above mentioned.

I move the adoption of the foregoing resolution.

H. G. Etheridge
Councilman

Seconded by: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted this 22 day of February, 1940.

L. Lyone Lee
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Miss Roberta Rogers of 95 Starnes Avenue, filed claim through her Attorneys Lee & Lee, for damages to her property, which was referred to the Corporation Counsel, as follows:

NORTH CAROLINA
BUNCOMBE COUNTY

TO THE HONORABLE MAYOR AND THE COUNCIL OF THE CITY OF ASHEVILLE:

The undersigned Attorneys hereby present to your Honorable body, claim of Miss Roberta Rogers, 95 Starnes Avenue, Asheville, North Carolina, against the City of Asheville by reason of damages sustained to her home and residence at the above address, on or about December 1, 1939. Said damages in at least the sum of Seven Hundred Fifty ($750.00) Dollars were caused by reason of the failure of the Sanitary Department of the City of Asheville to keep a certain storm sewer open and unobstructed, said sewer being located on Cumberland Avenue, in the City of Asheville near and adjacent to the property of the said Miss Roberta Rogers.

That by reason of the damages sustained by the above property owner she has been forced to expend large sums of money, to-wit, Four Hundred Ten and 88/100 ($410.88) Dollars in cleaning and repairing her home by reason of the flooding and overflowing of said storm sewer.

The undersigned, as Attorneys for the said Miss Roberta Rogers, respectfully request that this claim be investigated and damages paid by the City of Asheville.

Respectfully submitted,

Miss Roberta Rogers,

By Lee & Lee

This the 22nd day of February, 1940.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk.

Mayor

Thursday, February 29, 1940--4:30 P. M.

The City Council met in regular session Thursday, February 29, 1940, at 4:30 P. M. with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., L. Lyons Lee, O. E. Starnes, City Manager P. M. Burdette, Philip C. Cocke, Jr., Corporation Counsel, and Mayor Bryson.

Minutes of the previous meeting were read and approved.

Mayor Bryson reported that he had a most enjoyable time on the Mayors' Tour to Florida, and that the saw Councilman Bamford and Mrs. Bamford in Miami, and that he sent his regards to the Council.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.

Thursday, March 7, 1940--4:30 P. M.

The City Council met in regular session Thursday, March 7, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, C. R. Bamford, O. E. Starnes, City Manager P. M. Burdette, Philip C. Cocke, Jr., C. P. and Mayor Bryson.

Minutes of the previous meeting were read and approved.

Mayor Bryson reported a check on the Golf Course showed the following figures for the year 193

Local 6,821 players, visitors 3,907 players. It has been the practice in the past to issue passes to managers of all hotels in and near Asheville, summer resorts, such as Blue Ridge, Ridgecreat, Montreat, newspapers, etc., and it is estimated that passes used approximated ten per day, or approximately 3,650 for the year.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor

Thursday, March 14, 1940--4:30 P. M.

The City Council met in regular session Thursday, March 14, 1940 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, L. Lyons Lee, H. G. Etheridge, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Homer L. Nichols, property owner on Florida Avenue made a complaint about damage to his property caused by water overflowing from the street, and asked for relief. This complaint was referred to the City Manager.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.

Thursday, March 21, 1940---4:30 P. M.

The City Council met in regular session Thursday, March 21, 1940 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, O. E. Starnes, C. R. Bamford, L. Lyons Lee, Vice-Mayor, City Manager P. M. Burdette, Philip C. Cocke, Jr., Corporation Counsel, and Mayor Bryson.

Minutes of the previous meeting were read and approved.

Mrs. Lenora Gaskins, President of the Real Estate Board, Mr. Wayne Bramlett, and Mr. Gray Gorham, spoke on matters that the Board are interested in to keep tourists in our City for a longer period of time, and beautification plans. Mayor Bryson appointed a committee to act on a clean-up project, and also a Sign Committee to work with the Real Estate Board, as follows:

Councilman O. E. Starnes and Councilman Bamford, Clean-up Committee

Vice-Mayor L. Lyons Lee and Councilman H. G. Etheridge on Signs for Historic points of interest in the City.

Resolution authorizing the Mayor to execute a contract by and between the City of Asheville and The Citizens Hotel Corporation was upon motion of Councilman Etheridge, seconded by Councilman Lee, unanimously passed as follows:

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF ASHEVILLE AND THE CITIZENS HOTEL CORPORATION

WHEREAS, it became necessary for the full completion of the City Auditorium and Convention Hall to acquire certain lands adjacent to the property on which the Auditorium and Convention Hall is situate; and

WHEREAS, the owner of said property, namely the Citizens Hotel Corporation, allowed the city to encroach upon portions of its land; and

WHEREAS, in consideration of the encroachment the City of Asheville agrees to do certain things as set out in a contract attached to this resolution and made a part thereof; and

WHEREAS, it has become necessary to modify to a certain extent a contract heretofore made between the parties above named under date of September _____, 1939;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

1. That the Mayor be and he is hereby authorized and empowered to execute said contract for and in the name of the City of Asheville.

2. That the City Clerk is hereby authorized to embody in this resolution the said contract, and place same on the Minute Books of the City of Asheville in accordance with statute.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 21st day of March, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

THIS AGREEMENT, Made this March 21, 1940, by and between THE CITY OF ASHEVILLE, a municipal corporation under the laws of North Carolina, party of the first part, and CITIZENS HOTEL CORPORATION, a corporation of said State, party of the second part,

WITNESSETH:

WHEREAS, under date of September , 1939, the parties hereto entered into a contract in writing, whereby the party of the second part hereto conveyed certain real estate to the party

of the first part hereto, and made certain dedications of real estate for public use, and the party of the first part made certain dedications of property for public use, all pursuant to an understanding and agreement arrived at between the parties hereto in connection with the use and development of certain real property adjoining the George Vanderbilt Hotel Building and the new City Auditorium in the City of Asheville; and

WHEREAS, by reason of modifications in the construction of the new Auditorium, not contemplated when said contract above referred to was made, it has become entirely impracticable to fully carry out the previous agreement between the parties hereto as planned and contemplated, and set out in writing in the contract above referred to, and has become impracticable to complete all of the dedications for street and alley purposes contemplated by said contract in the manner and to the extent therein set out, and by reason thereof the parties hereto have entered into this supplementary agreement, whereby and whereunder the agreements contained in said contract of September 22, 1938 have to certain extents been modified, and certain additional agreements have been made between the parties, all to the end that the property surrounding the new City Auditorium may be used for the best interests of the parties hereto and the public;

NOW, THEREFORE, for and in consideration of the premises and the sum of Ten Dollars to each in hand paid by the other party hereto, receipt whereof is hereby acknowledged, the parties hereto have agreed, and do hereby agree, each with the other, its successors and assigns, as follows:

1. The strip of land 15 feet in width lying immediately north of the Vanderbilt Hotel, and south of the property formerly known as the City Auditorium property, and extending from Haywood Street in an eastern direction, shall be and is hereby declared to be a public alley, which shall terminate at a point 20 feet east of the present east wall of the George Vanderbilt Hotel.

2. The strip of land adjoining the above 15 foot strip on the north, and having a depth of 5 feet from the eastern terminus of said 15 foot strip, as above defined, to the western wall of the new Auditorium building, and, therefore, a diminishing width to a minimum of 2½ feet, as outlined by a retaining wall extending from the southwest corner of the City Auditorium building in a western direction toward Haywood Street, and a width of 2½ feet from the western end of said retaining wall to Haywood Street, is added to said 15 foot strip and dedicated as a portion of said public alley, except in so far as there are encroachments on said strip from the new City Auditorium building in the way of areaways, steps, and entrances.

3. Any attempt made in the agreement of September 22, 1938 to dedicate to public use as a street or alley a strip of land 20 feet in width extending from the eastern terminus of the 15 foot strip, and its adjoining 5 foot strip, as above defined, in an eastern direction to the southeast corner of the City Auditorium building, is revoked and abandoned, and the public shall have no right or interest therein for street or alley purposes.

4. Except as herein modified, the dedications or public use contained in said agreement of September 22, 1938, are ratified and confirmed.

5. Until notice given as hereinafter provided, the party of the second part agrees that the party of the first part may have the free and uninterrupted use of a strip of land 20 feet in width extending from the east end of the 15 foot strip and 5 foot strip above referred to, as herein defined, along the south wall of the new City Auditorium building to the southeast corner thereof, to the following extent: It may construct and maintain over said strip a platform not exceeding 20 feet in width, measured from the south of the City Auditorium building, with necessary foundation and underpinning to support the same, and from the western end of said platform it may construct and maintain a driveway to connect said platform with the 15 foot strip and 5 foot strip above referred to, together with all necessary retaining walls and foundations for said drive, and may use said drive and platform exclusively for its own purposes, and without payment of any rent or charge to the party of the second part hereto for the use thereof, provided that the party of the second part hereto may at any time hereafter, when it desires to do so, by giving to the party of the first part hereto, or its successors in interest, six months written notice to that effect, terminate the right of the party of the first part, or those claiming under it, to so occupy and use the strip of land above defined, and upon the expiration of said six months period the right to the use thereof by the party of the first part, or those claiming under it, shall terminate, but the party of the first part may at any time prior to the end of said six months period remove any platforms, driveways, or other supplemental structures placed by it upon said strip of ground.

6. In consideration of the agreements herein contained to be performed by the party of the second part, the party of the first part agrees that it will forthwith widen to a total width of 15 feet the private alley extending from Vanderbilt Place along the east end of the Vanderbilt Hotel building, to the south edge of the 15 foot strip as above referred to herein, and will pave said alleyway, or the additional width added thereto, and build a proper and necessary retaining wall along the east edge of said widened driveway, and excavate the land east thereof to approximately the present level of Vanderbilt Place, all without cost or expense to the party of the second part hereto.

IN WITNESS WHEREOF, the party of the first part has caused its name to be subscribed hereto by its Mayor, the execution of this instrument to be attested by the City Clerk, and its corporate seal to be hereunto affixed; and the said party of the second part has caused its name to be hereunto subscribed by its President, the execution hereof to be attested by its Secretary, and its corporate seal to be hereunto affixed; this the day and year first above written.

City of Asheville

By Holmes Bryson, Mayor

ATTEST:
Glenn Morris
City Clerk (Seal)

CITIZENS HOTEL CORPORATION

BY Herbert D. Miles
President

ATTEST:

Halburd H. Miles
Secretary

Mayor Bryson announced that he and Mr. Weir had made a tour of the city to observe the condition of streets, and other complaints that had been registered with him. He said he found that Wall Street did need closer attention, and also sanitary collection trucks needed to be covered. These, however, he added were not City trucks, but that the City had jurisdiction over the streets and would see that they were covered.

City Manager Burdette announced that an extra man had been employed to look after the sanitary condition of the city, and that some improvements had already been made upon his recommendations and expected other improvements to follow.

There being no further business, the City Council adjourned, upon motion of Councilman Etheridge, seconded by Councilman Starnes.

Glenn Morris
City Clerk.

Mayor.
Holmes Bryson

Thursday, March 28, 1940--4:30 P. M.

The City Council met in regular session Thursday, March 28, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, O. E. Starnes, Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Mr. Leslie Owen, a representative of the Optimist Club spoke briefly in behalf of efforts to keep the Cardinal farm in operation here. He called attention to help given the Junior Civic Club league for boys between the ages of 11 and 18.

Judge J. Frazier Glenn, also asked that every effort be made to keep the Piedmont league here. He stated that baseball is an essential entertainment for the City.

Traffic plans to be inaugurated in the City April 1 by the Police Department were endorsed by various civic clubs of the city at the Council meeting of the 25th, Mr. Frank Barnard representing the Lions Club, Mr. J. G. Hursey, and others, who made talks pledging their cooperation.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.
Holmes Bryson

Thursday, April 4, 1940--4:30 P. M.

The City Council met in regular session Thursday, April 4, 1940 at 4:30 P. M., with Mayor Bryson presiding. Present: Vice-Mayor Lyons Lee, Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

A letter from N. H. Pearson, President and R. A. Wanner, Secretary-Treasurer of the Kiwanis was read, asking for more adequate fire protection, especially for West Asheville, and was reffered to the City Manager.

Judge R. M. Wells, asked the consideration of the Council in changing the parking limits of 30 minutes in the Shopping District to at least 50 minutes. City Manager P. M. Burdette stated and he and representatives of the merchants had met and discussed this question, and it was now being worked out.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor
Holmes Bryson

Thursday, April 11, 1940.

The City Council met in regular session Thursday, April 11, 1940 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., C. R. Bamford, O. E. Starnes, Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Upon motion of Councilman C. R. Bamford, seconded by Councilman O. E. Starnes, resolution authorizing the Mayor to enter into a contract with the Carolina Power & Light Company was unanimously passed, as follows:

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH THE CAROLINA POWER & LIGHT COMPANY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

That the Mayor and City Clerk be, and they are hereby authorized, empowered and directed, in the name of and for and in behalf of the city of Asheville, N. C., to execute and deliver that certain written contract with Carolina Power & Light Company, covering general street lighting service for the City of Asheville, which contract is dated April 11, 1940, and provides for the beginning of service on the 1st day of June, 1940, and, in event of notice, ending on the 1st day of June, 1950, to which contract is attached the Company's schedule of rates and regulations covering such service, and which contract has been approved as to form by the Corporation Counsel and read and considered at this meeting.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 11 day of April, 1940.

Holmes Bryson
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the Mayor of the City of Asheville to enter into a contract with the Carolina Power & Light Company was upon motion of Councilman C. R. Bamford, seconded by Councilman O. E. Starnes, unanimously adopted as follows:

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH THE CAROLINA POWER & LIGHT COMPANY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

That the Mayor and the City Clerk be, and they are hereby authorized, empowered, and directed, in the name of and for and in behalf of the City of Asheville, N. C., to execute and deliver that certain written contract with Carolina Power & Light Company, covering white way lighting with ornamental brackets for certain sections of the City of Asheville, which contract is dated April 11, 1940, and provides for the beginning of service on the 1st day of June, 1940, and in event of notice, ending on the 1st day of June, 1950, to which contract is attached to the Company's schedule of rates and rules and regulations covering such service, and which contract has been approved as to form by the Corporation Counsel and read and considered at this meeting.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

Seconded by: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 11 day of April, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk.

Mayor.
Holmes Bryson

Thursday, April 18, 1940--4:30 P. M.

The City Council met in regular session Thursday, April 18, 1940 at 4:30 P. M. with Mayor Bryson presiding. Present: Councilman J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, O. E. Starnes, Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Attorney J. Y. Jordon, Jr., representing the Asheville Building Trade Council and other citizens, presented petition to the City Council requesting a special hearing before the City Council to determine whether or not the City of Asheville needs a Housing Authority, or Slum Clearance Program.

The following notice has been given the Citizen-Times:

"Notice is hereby given that a petition has been filed with me as City Clerk of the City of Asheville, North Carolina by 25 or more residents of said City (must be at least twenty-five) pursuant to Chapter 456, Public Laws of North Carolina, 1935, referred to as the "Housing Authorities Law", setting forth that there is a need for an Authority to function in said City; that a public hearing will be held on the 2nd day of May, 1940, at the City Hall, in the City of Asheville, North Carolina, at which full opportunity to be heard will be granted to all residents and taxpayers of the City of Asheville and to all other interested persons upon the question:

(1) Whether insanitary or unsafe inhabited dwelling accommodations exist in the City of Asheville, and/or

(2) Whether there is a lack of safe or sanitary dwelling accommodations in the City of Asheville available for all the inhabitants thereof.

After such hearing the Council will determine whether or not such housing conditions exist in the City of Asheville and whether or not there is need for an Authority to function in said City.

Glenn Morris
City Clerk "

Pearson, Manager of the Buncombe County Colored fair asked the Council for a donation of $400.00 for this year's fair. This was referred to the City Manager.

At this point a motion was made by Councilman Divelbiss, seconded by Councilman Etheridge that the meeting recess for a short time, and the motion was duly carried.

Pursuant to recess, with all above members of the Council present, the following resolutions were unanimously passed.

Resolution accepting the bid of Dave Steel Company of Asheville, N. C., for an Aluminim Plaque to be installed in the Asheville Auditorium and Convention Hall was upon motion of Councilman Lee, seconded by Councilman Starnes, unanimously adopted as follows:

RESOLUTION

RESOLUTION ACCEPTING THE BID OF DAVE STEEL COMPANY OF ASHEVILLE, N. C. FOR AN ALUMINUM PLAQUE TO BE INSTALLED IN THE ASHEVILLE AUDITORIUM AND CONVENTION HALL.

WHEREAS, legal advertisement having been complied with in regard to the furnishing of an aluminum plaque for the Asheville Auditorium and Convention Hall; and

WHEREAS, Dave Steel Company of Asheville, North Carolina having been the low bidder in the amount of $95.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the bid for said aluminum plaque mentioned above to be installed in the Asheville Auditorium and Convention Hall of Dave Steel Company dated February 8, 1940 be and the same is hereby accepted.

I move the adoption of the foregoing resolution.

L. Lyons Lee
Councilman

Seconded by: O. E. Starnes
Councilman

Read, approved and adopted, this 18th day of April, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution accepting the Asheville Auditorium and Convention Hall now complete according to contracts with the different contractors, was upon motion of Councilman Divelbiss, seconded by Councilman Etheridge, unanimously adopted.

RESOLUTION

RESOLUTION ACCEPTING AS COMPLETE ACCORDING TO CONTRACT THE ASHEVILLE AUDITORIUM AND CONVENTION HALL, BEING DOCKET NO. N.C. 4496-F OF THE PUBLIC WORKS ADMINISTRATION: AND ACCEPTING AS COMPLETE EACH OF THE FOLLOWING CONTRACTS, TO-WIT: CONTRACT NO. 1 ON SAID PROJECT, EXCAVATION CONTRACT OF NORMAN S. HILDEBRAND, CONTRACT NO 2 ON SAID PROJECT, GENERAL CONTRACT OF ROBINSON BROTHERS CONTRACTORS, INCORPORATED, CONTRACT NO. 3 ON SAID PROJECT, STRUCTURAL CONTRACT OF DAVE STEEL COMPANY, CONTRACT NO. 4 ON SAID PROJECT, PLUMBING CONTRACT OF J. L. POWERS AND COMPANY, AND CONTRACT NO. 5 ON SAID PROJECT, HEATING CONTRACT OF RELIANCE ENGINEERING COMPANY.

WHEREAS, the Asheville Auditorium and Convention Hall now being complete according to a contract with the different contractors as set out in the preamble of this resolution:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the contract for each and every contractor, namely, Contract No. 1, Excavation Contract of Norman S. Hildebrand of Asheville, N. C., Contract No. 2, General Contract of Robinson Brothers Contractors, Incorporated of Asheville, N. C., Contract No. 3 Structural Contract of Dave Steel Company of Asheville, N. C., Contract No. 4, Plumbing Contract of J. L. Powers and Company of Bennettsville, S. C., and Contract No. 5, Heating Contract of Reliance Engineering Company of Charlotte, N. C., be and the same are hereby completed and accepted.

Section 2. That the Asheville Auditorium and Convention Hall being complete according to all contracts set out above the same is hereby accepted.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 18th day of April, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

The meeting was upon motion, adjourned.

Mayor
Holmes Bryson.

Glenn Morris
City Clerk

Thursday, April 25, 1940--4:30 P. M.

The City Council met in regular session Thursday, April 25, 1940 at 4:30 P. M., with Mayor Holmes Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, O. E. Starnes, C. R. Bamford, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Bryson.

Minutes of the previous meeting were read and approved.

Members of the Real Estate Board and Fair officials requested the City Council to officially approve an exchange of City-County property for acreage on Sweeten Creek Road to be used for the Fair Grounds. After lengthy discussion by members of the Real Estate Board and Fair Committee, the following motion was made:

It was moved by Councilman Divelbiss, seconded by Councilman Bamford that the matter be referred to the City Manager and Corporation Counsel to work out the details as to legality and value of the property, subject to the approval of the City Council, and that the meeting recess until Monday at 4 o'clock. This motion was voted on and unanimously carried.

Glenn Morris
City Clerk

Mayor
Holmes Bryson

Monday, April 29, 1940--4:00 P. M.

The City Council met in recess session Monday, April 29, 1940, at 4 o'clock P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, O. E. Starnes, Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Philip C. Cocke, Jr., and Mayor Holmes Bryson.

The following letter was read by the Corporation Counsel, Philip C. Cocke, Jr, regarding the sale of municipal property:

Honorable Holmes Bryson and
Members of the City Council
of the City of Asheville,
Asheville, N. C.

In re: Sale of municipal property

Gentlemen:

Pursuant to a request by the City Council I hand you herewith a legal opinion in regard to the sale of the city's five twenty-seconds interest in what is now known as Kimberly Inn.

Section 2688 of the Consolidated Statutes of North Carolina reads as follows:

> "Public sale by mayor and commissioners--The Mayor and commissioners of any town shall have power at all times to sell at public outcry, after thirty days notice, to the highest bidder, any property, real or personal, belonging to any such town, and apply the proceeds as they may think best."

The city can sell this munocipal property, but under this section cannot apply the proceeds as they think best, for we have a contract now in force with the holders of our municipal bonds that requires the City of Asheville to apply proceeds received from the sale of municipally owned property after liquidating to the Revolving Fund, and at the end of ten years after July 1, 1936 to the Sinking Fund for the eventual retirement of bonds; that is, all property that was received by the City of Asheville from the Board of Financial Control, and in this instance the Meacham property was among that received after the closing of the Central Bank & Trust Company. The last sentence to the above section could not apply in our case. It is therefore my opinion that the city is holding all property as set out above, other than tax property as trustee for the holders of our municipal bonds until same is liquidated ten years from the date of the agreement, namely July 1, 1936, and therefore is put in position as trustee holder as to that class of property mentioned above.

The city's interest in the property under discussion, namely the Meacham property, under the statute must be put up for public sale, and advertis once a week for four weeks in a newspaper published in the City of Asheville, and, after said statute has been complied with, sold at the Court House door to the highest bidder. I interpret Section 2688 and the words used therein to mean that the property must be sold for cash. The word "sell" is used, and if same was not sold for cash it would in my opinion be a trade, and I can find no statute which

gives municipal authorities power to swap or trade property. Even if such a statute existed and a trade or swap were carried out, it would violate the spirit of the contract entered into by and between the city and its bondholders, unless said trade after completion brought in more cash to be placed in the Revolving Fund than had been anticipated. In other words I think maybe the Sinking Fund Commission for Buncombe County might look with favor upon the city making a trade that would bring more money into the fund to retire the bonds, but unless the equivalent of the city's equity were realized and the Sinking Fund received the benefit therefrom I think the contract would have been violated by the municipal authorities.

In all municipal advertisements for the sale of property up to now the words "to the highest bidder for cash" is left out of the section of the North Carolina law, but it has always been inserted in the advertisements for such sales, and the city has also inserted its right to accept or reject any and all bids based upon its opinion as to whether or not the sale brought the full value of the property.

I am of the opinion, therefore, that it is impossible for anyone to bid for city owned property at public auction for anything other than cash, for I do not see how anybody's equity in different pieces of property can be determined as to its true value by the appraisal of any board or boards. In other words, I do not believe that equities can be bid for property sold at public auction, as the value of same cannot be determined. But to receive legal tender you would know that you were received 100% value.

For the reasons stated herein, I am of the opinion that the City Council, if it wishes to dispose of the city's interest in the above property, should pass a resolution instructing the City Manager to advertise said property according to statute and sell same at public auction at the Court House door for cash.

Yours very truly,

Philip C. Cocke, Jr.
Corporation Counsel.

After lengthy discussion by Judge Adams, and others of the delegation, Mayor Bryson asked that Resolution be presented.

Upon motion of Councilman Lee, seconded by Councilman Bamford, the following resolution was unanimously adopted.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE THE CITY'S INTEREST IN CERTAIN PROPERTY FOR SALE.

WHEREAS, the city acquired from the Board of Financial Control a five-twenty-seconds interest in Lot 23, Sheet 6, Ward 4, the same being known as the Meacham Sanitorium property and/or Kimberly Inn; and

WHEREAS, certain offers have been made to the City Manager of the City of Asheville for the purchase of the city's interest in said property; and

WHEREAS, the City Council deems it advisable to offer to the highest bidder for cash at the Court House door the said property mentioned above:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise the city's five-twenty-seconds interest in Lot 23, Sheet 6, Ward 4 for sale in accordance with statute, and sell same at the Court House door to the highest bidder for cash. The city reserves the right to reject any end all bids.

I move the adoption of the foregoing resolution.

L. Lyons Lee
Councilman

SECONDED BY: C. R. Bamford
Councilman

Read, approved and adopted this 29 day of April, 1940.

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Holmes Bryson
Mayor

Glenn Morris
City Clerk

There being no further business, the meeting was upon motion, adjourned.

Mayor
Holmes Bryson

Glenn Morris
City Clerk

Thursday, May 2, 1940--4:30 P. M.

The City Council met in regular session Thursday, May 2, 1940, at 4:30 P.M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, C. R. Bamford, O. E. Starnes, Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Philip C. Cooke, Jr., Corporation Counsel, and Mayor Holmes Bryson.

Minutes of the previous meetings were read and approved.

On April 18, 1940, petition signed by some 68 persons was presented to the City Council requesting a Special Hearing before the City Council to determine whether or not the City of Asheville needs a Housing Authority, or Slum Clearance. After necessary advertisement, the date was set for this meeting of the Council. (May 2, 1940)

Talks for and against the slum clearance program was listened to by the Council, and the group was told that the Council intended to make a thorough investigation and inspection of slum clearance projects in other cities before appointing a Housing Authority for Asheville.

There being no further business, the Council on motion adjourned.

Glenn Morris
City Clerk.

Mayor
Holmes Bryson

Thursday, May 9, 1940--4:30 P.M.

The City Council met in regular session Thursday, May 9, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, O. E. Starnes, Vice-Mayor L. Lyons Lee, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Resolution authorizing the City Manager to advertise certain city property for sale, known as Lindley Home Property, was upon motion of Councilman Lee, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN CITY PROPERTY FOR SALE, KNOWN AS LINDLEY HOME

WHEREAS, the city is the owner of certain property in Lower Hominy Township, the same being known as the Lindley Home property; and

WHEREAS, certain offers have been made to the City Manager of the City of Asheville for the purchase of said property; and

WHEREAS, the City Council deems it advisable to offer to the highest bidder for cash at the Court House door the said property mentioned above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise the above property for sale in accordance with statute, and sell same at the Court House door to the highest bidder for cash. The City reserves the right to reject any and all bids.

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 9th day of May, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr
CORPORATION COUNSEL

Ordinance No. 265, entitled, "An Ordinance Levying, Assessing, Imposing, and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal Year Beginning June 1, 1940 and ending May 31, 1941 was upon motion of Councilman Lee, seconded by Councilman Etheridge unanimously passed on its first reading with the follwing vote:

Councilmen Divelbiss voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Starnes voted "aye" Councilman Lee voted "aye", and Mayor Bryson voted "aye".

Mayor Bryson read a resolution passed by the City of Greenville in which the City provided for a slum clearance by private capital, and other data that he had gathered was given the Council relating to Slum clearance, which the Council is studying prior to acting on a Housing Authority for Asheville.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor
John Bryson

May 16, 1940--4:30 P. M.

Because a quorum was not present, no meeting was held of the City Council on May 16, 1940.

Glenn Morris
City Clerk

Mayor
John Bryson

May 23, 1940-- 4:30 P. M.

The City Council met in regular session Thursday, May 23, 1940, at 4:30 P.M. with Mayor Bryson presiding. Present: Councilman O. E. Starnes, C. R. Bamford, H. G. Etheridge, J. E. Divelbiss, Jr., Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meetings were read and approved.

Attorney J. C. Joyner presented claim for his client Mrs. O. E. Smith for alleged personal injuries, which was ordered filed and referred to the Corporation Counsel and City Manager.

STATE OF NORTH CAROLINA	:	
COUNTY OF BUNCOMBE	:	
	:	
MRS. C. E. SMITH	:	
PLAINTIFF	:	NOTICE OF CLAIM FOR
VS.	:	DAMAGES FOR PERSONAL INJURY
THE CITY OF ASHEVILLE	:	
DEFENDANT	:	

MRS. C. E. SMITH, of the County of Buncombe, hereby files her claim and notice of claim against the City of Asheville, North Carolina, for damages for personal injuries sustained by herm and to that end hereby sets forth:

1.

That the residence of the claimant is in the City of Asheville, North Carolina.

2.

That the date on which the damages or said personal injuries were sustained was on Saturday, April 27, 1940.

3.

That the place of the happening of the said accident and the sustaining of said damages was on the west side of Broadway Street in the City of Asheville between Hillside Street and Woodrow Avenue near a city fire hydrant.

4.

That the said damages arose under the following circumstances, to-wit:

That the claimant herein was on Saturday Night, April 27, walking on Broadway Street in the City of Asheville that the cement on said street was broken and cracked in several places and that the claimant stepped in a hole in said street where the payment had been broken and was thrown violently to the ground and her back struck a broken place in the pavement. That her spine was fractured and her stomach and leg was seriously and permanently injured and she was taken to the Mission Hospital in the City of Asheville, whereby this claimant was endangered in at least the sum of Thirty Thousand ($30,000) Dollars.

5.

That said damages were sustained by this claimant by reason of the negligence and carelessness of the City of Asheville, its agents and employees for failure to repair the pavement on Broadway Street, for allowing said pavement to remain in dangerous and unsafe condition and not having the street sufficiently lighted at the place where the accident occurred, and said damages were sustained without fault or begligence on the part of said claimant.

6.

That the claimant demands immediate payment from the City of Asheville in the sum of Thirty Thousand ($30,000) Dollars.

Mrs. C. E. Smith, Claimant

J. C. Joyner
Williams & Cocke
Attorneys for Claimant

I hereby acknowledge receipt of the above notice.

Glenn Morris
City Clerk

Attorney W. A. Sullivan filed claim for his client Mattie Blanton for alleged personal injuries in the sum of $2,500.00, which claim was ordered filed and referred to the Corporation Counsel and City Manager.

NORTH CAROLINA
BUNCOMBE COUNTY.

IN RE: MATTIE BLANTON CLAIM:

TO: CITY COUNSEL FOR THE CITY OF ASHEVILLE
AND P. M. BURDETTE, CITY MANAGER.

You will take notice that the above named party was injured on the 9th day of March, 1940 while walking along Butrick Street in said City; that claimant was thrown from the side walk, which was in a bad condition, into a basement, a distance of about twelve feet; that claimant received a broken arm; that said injuries resulted from the negligence of the city of Asheville in not keeping itw sidewalks in a reasonably safe condition; that by reason of the injuries herein set forth, claimant has been damaged in the sum of $2500.00, which she hereby demands of said City of Asheville.

This the 16th day of May, 1940.

W. A. Sullivan
Attorney for Plaintiff and Claimant.

Ordinance No. 265, entitled "An Ordinance Levying, Assessing, Imposing, and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal Year Beginning June 1, 1940 and ending May 31, 1941 was unanimously passed on its second reading with the following note:

Councilman Starnes voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "Aye", and Mayor Bryson voted "aye".

The Housing Authority was discussed pro and con by Mr. J. Y. Jordon, Mrs. Hortense Patterson, Major McDonald and others, and Mayor Bryson said he thought the Council would be ready to act on the Housing Authority soon.

There being no further business to come before the Council, it was moved and seconded that the meeting adjourn.

Glenn Morris
City Clerk

Mayor
Holmes Bryson

May 30, 1940--4:30 P. M.

The City Council met in regular session Thursday, May 30, 1940, at 4:30 P. M. with Mayor Bryson presiding. Present: Councilmen O. E. Starnes, C. R. Bamford, H. G. Etheridge, J. E. Divelbiss, Jr., L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Resolution authorizing the Mayor to execute lease with General Outdoor Advertising Company was upon motion of Councilman Etheridge, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE
WITH GENERAL OUTDOOR ADVERTISING COMPANY

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place certain sign boards on certain lots designated in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted this 30 day of May, 1940.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mayor Bryson stated that the Council has made a thorough investigation of conditions in Asheville and in other places, and announced that the appointment of the authority would be made later and would be given just as careful consideration. Whereupon a resolution determining that there is a need in the City of Asheville and surrounding territory for a Housing Authority was upon motion of Councilman Bamford, seconded by J. E. Divelbiss, Jr., unanimously passed. Mr. Eugene Carland, although unable to be present at the meeting, voted by proxy.

RESOLUTION DETERMINING THAT THERE IS A NEED IN THE CITY OF ASHEVILLE AND SURROUNDING TERRITORY FOR A HOUSING AUTHORITY

WHEREAS, a petition signed by twenty-five and more citizens of the City of Asheville having been presented to the City Council of the City of Asheville requesting that a survey be made, and that a Housing Authority be appointed for said city and area under Chapter 456 of the Public Laws of 1935; and

WHEREAS, the governing body of the City of Asheville, after due consideration and investigation, has determined that the conditions of insanitation and unsafe inhabited dwelling accommodations exist in the city and the surrounding area, and therefore having determined same find that said conditions exist; and

WHEREAS, all law having been complied with up to this time under Section 4 of Chapter 456 of the Public Laws of 1935;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That they do find as a fact that insanitation and unsafe inhabited dwelling accommodations exist in the City of Asheville and the surrounding area, as set out in Section 4 of Chapter 456 of the Public Laws of 1935.

BE IT FURTHER RESOLVED that the Honorable Holmes Bryson, Mayor of the City of Asheville is hereby officially notified of such condition and of the passage of this resolution, and is hereby respectfully requested to proceed according to law, namely, to name five commissioners to act as the said Housing Authority.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 30th day of May, 1940.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mr. W. H. Reese of the Woodfin Coal and Ice Company requested that the $300 tax for ice manufacturers be placed on a graduated scale, and was told that a council committee would consider it.

Upon motion of Councilman Divelbiss, seconded by Councilman Lee, the following amendment to Ordinance 265 entitled "An Ordinance Levying, Assessing, Imposing, and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal Year Beginning June 1, 1940 and Ending May 31, 1941" was unanimously passed as follows: Councilman Starnes voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", and Councilman Bryson voted "aye":

(b) Every person, firm or corporation engaged in the wholesale distribution or sale of fresh or cured meats----------$50.00

PROVIDED, those who manufacture sausage and other spiced meats operating from inspected homes the license shall be only----------$25.00

Ordinance 265, entitled "An Ordinance Levying, Assessing, Imposing, and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal Year Beginning June 1, 1940 and Ending May 31, 1941" was brought up for final passage, and was unanimously passed, together with amendment, as follows: Councilman Starnes voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", and Councilman Bryson voted "aye".

ORDINANCE 265

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1940 AND ENDING MAY 31, 1941.

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations, or doing the act named, within the corporate limits of the City of Asheville, from the first day of June, 1940, to the thirty-first day of May, 1941, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon the payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business license, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3

(a) That any person, firm, or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or if the owner be a firm, the names of all members of such firm, or if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person interested in or connected with such business, to give evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists.
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers
16. Second-hand Dealers
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine:

1. Pawnbrokers	$1,000.00
2. Junk Dealers	1,000.00
3. Electrical Contractors	1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
Doing such work costing over $300.00	1,000.00
7. House Movers	500.00
8. Taxicabs	500.00

Section 5

That whenever the word "person" is used in this ordinance, the same shall be construed to include "firms", "companies", "corporations", and "associations".

Section 6

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after June 1, 1940, and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statement as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7

When any business is begun after June 1, 1940, the tax in such case may be reduced in proportion to the number of full quarters that have elapsed since June 1, 1940, unless otherwise provided in the section fixing the tax. Provided, however, that no license shall be issued for less than One ($1.00) Dollar.

Section 8

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such increase tax be paid within thirty (30) days.

Section 9

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason the remainder of said ordinance shall not be affected thereby.

Section 10

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business is conducted after revocation or suspension of license, shall constitute a separate offense.

Section 12

It shall be the duty of the Director of Finance to see that the Solicitor of Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1940-41, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14

All license taxes imposed by this ordinance shall be due June 1 of each year for which the tax is levied, and shall become payable upon the date that this ordinance shall become effective and the tax may be paid in quarterly installments, at the request of the taxpayer; provided, however, that not less than one-fourth of the total tax may be paid in any one installment. If any installment shall not be paid on or before the first day of the quarter upon which the same shall become due, then all unpaid installments shall immediately become due and payable, together with a two (2%) per cent penalty per month upon the entire unpaid balance. All license taxes imposed by this ordinance shall become due and payable in advance, and if any person shall fail to pay any license tax required by this ordinance by September 1, 1940, 2% per month of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the two (2%) per centum per month thereof, has been paid. The addition of the two (2%) per centum per month on the amount of said license shall not exempt the delinquent from the penalties herein prescribed in case of delinquency.

Section 15

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or illegally operated the City Manager has the authority to revoke the license.

LICENSE SCHEDULE

Section 16

"A"

ABATTOIR, OR SLAUGHTER HOUSE.

Per annum ---------- $25.00

ACCOUNTANTS.

Exempt by State Statutes.

ADVERTISING.

Not specifically taxed.

Every person, firm, or corporation, engaged in the business of soliciting or contracting for advertising, or engaged in the business of advertising, and not specifically classified and taxed by this article, where tax is not prohibited by State Statutes, shall pay a license tax of, per annum ----- $15.00

Provided, that this tax shall not apply to newspapers or periodicals published in the City.

ADVERTISING, OUTDOOR--BILLBOARDS.

Every person, firm, or corporation, which is engaged or engages in the business of outdoor advertising by means of sign boards, poster boards, or printed bulletins, and any other outdoor advertising devices, erected upon grounds, walls, or roofs of buildings, shall pay a license tax of, per annum ---------- $1 0.00

(a) Every person, firm, or corporation, owning or maintaining sign boards, poster boards, painted bulletins, printed bulletins, or other outdoor advertisements of any nature, shall have imprinted on the same the name of such person, firm or corporation in sufficient size to be plainly visible and permanently affixed thereto.

(b) Distribution in the City of Asheville, or sign-tacking, advertising by tacking, posting on poles, trees, buildings, fences, or other structures, except on licensed billboards, PROHIBITED.

ADVERTISING--DISTRIBUTORS OF SAMPLES, PRINTED ADVERTISEMENTS, AND CIRCULARS.

Every person, firm, or corporation, distributing samples, circulars, handbills, or other printed matter from house to house, or person to person, anywhere within the corporate limits of the City of Asheville, shall pay a license tax of, per annum ---------- $100.00

For one distribution, where the annual tax has not been paid ---------- $10.00

PROVIDED, that all distributions of handbills, circulars, or other printed matter, shall be delivered to someone in each residence or business house, or shall be placed under the front door of each residence or business house, or between the front door and the screen. Also, each person, firm or corporation, distributing said circulars, handbills, or other printed matter, shall have the name of such person, firm, or corporation, on each handbill, circular, or other printed matter, in sufficient size to be plainly visible and permanently affixed thereto; and distribution of handbills, circulars, or other printed matter, other than provided in this proviso, is hereby PROHIBITED.

ADVERTISING PLACARDS.

Every person, firm or corporation, in, or on, whose premises, building or place of business, placards are placed for advertising purposes, and who make a charge therefor, shall pay a license tax of, per annum ---------- $25.00

Provided, that every person engaged in the business of operating street cars and/or busses and placing or allowing to be placed within or on such cars, placards for advertising purposes, and making a charge therefor, shall pay a license tax, of per annum ---------- $100.00

ADVERTISING BY USE OF PICTURE MACHINES.

Every person, firm or corporation, operating a moving picture machine, and selling the use of the same for advertising purposes, shall pay an annual license tax as follows:

(a) In each place where the advertisement is run, having a seating capacity of less than three hundred (300) ---------- $20.00

(b) In each place where the advertisement is run, having a seating capacity of three hundred (300) and less than one thousand (1,000) ---------- $30.00

(c) In each place where the advertisement is run, having a seating capacity of one thousand (1,000) or over ---------- $50.00

ADVERTISING BY WAGON OR VEHICLE DRIVEN THROUGH STREETS WITH ADVERTISING SIGNS.

Per annum ---------- $10.00

NOT PRORATED.

PROVIDED, that no tax shall be collected where the persons advertising place signs on their own vehicles, or for advertisement of football or baseball games.

PROVIDED, further, that the provisions of this section shall apply to all itinerants as defined herein who place advertisement signs on their vehicles.

AGENTS NOT SPECIFICALLY TAXED.

Every person, engaged in business as an agent, having the agency for the manufacturer, producer, or distributor, and not specifically taxed by some other section of this License Schedule, shall pay a tax of, per annum----------$25.00

AGRICULTURAL IMPLEMENTS AND MACHINERY.

Every person, firm, or corporation, engaged in the business of selling agricultural implements and machinery, shall pay a tax of, per annum----------$25.00

AMUSEMENT DEVICES (PERMANENT OR A CARNIVAL)

See "Riding Devices".

AMUSEMENT PARKS.

Every person, firm, or corporation, engaged in the business of operating a park open to the public as a place of amusement, in which there may be either a bowling alley, trained animal show, penny or nickel machine for exhibiting pictures, moving picture show, theatrical performance, or similar entertainment, shall pay for the privilege of conducting such amusement park, a license tax as follows:

Municipal license for two (2) months or less----------$200.00
Municipal license for four (4) months---------- 400.00
Municipal license for eight (8) months---------- 600.00
Municipal license for twelve (12) months---------- 800.00

PROVIDED, the payment of the tax shall not authorize the operation of a carnival, circus, or show of any kind that moves from place to place.

ANTIQUE FURNITURE--DEALERS IN.

Per annum----------$25.00
Itinerant, per annum----------$100.00

ANTIQUE SHOPS.

Any person, firm, or corporation, selling or distributing what is commonly termed antiques, shall pay a license tax of, per annum----------$25.00

ARCADES, PENNY PARLORS, PEEP SHOWS.

Each, per annum----------$200.00

NOT PRORATED.

ARCHITECTS.

Exempt by State Statutes.

ART GOODS, MANUFACTURERS OR DEALERS IN.

Residential retail dealers----------$10.00
Itinerant----------$100.00

ASPHALT OR ASPHALT SUPPLIES.

Dealers, sellers, or distributors in, each, per annum----------$50.00

PROVIDED, when building material tax is paid, no additional tax shall be collected under this section.

ATHLETIC SUPPLIES AND SPORTING GOODS.

Every person, firm, or corporation, selling or distributing athletic supplies or sporting goods, shall pay a license tax of, per annum----------$25.00

PROVIDED, every person, firm or corporation selling athletic supplies and sporting goods, where the gross sales are less than $3,000 annually, shall pay a license tax of, per annum----------$10.00

ATTORNEYS.

Exempt by State Statutes.

AUCTIONEERS.

(a) Every person, firm, or corporation, that conducts auction sales of anything other than real estate, shall pay an annual tax of, as follows:

Residents, each, per year----------$10.00
Itinerants, each per day---------- 5.00
Itinerants, each per week---------- 10.00

(b) Every person, firm, or corporation, that conducts auction sales of real estate for profit, shall pay a license tax of:

Residents, each per sale----------$12.50
Residents, each, per year---------- 25.00
Itinerants, each, per day---------- 25.00

NOT PRORATED.

AUTOMOBILE, MOTORCYCLE AND MOTOR VEHICLE, DEALERS; AND SERVICE STATIONS:

(a) Automobile Service Stations: Every person, firm, or corporation, engaged in the business of servicing, storing, painting, or upholstering of motor vehicles, trailers, or semi-trailers, or engaged in the business of retailing, selling, and/or delivering of any tires, tools, batteries, electrical equipment, automotive accessories or supplies, including radios designed for exclusive use in automobiles, motor fuel and/or lubricants, or any such commodities, shall pay for each location where such business is carried on, a license tax of, per annum----------$12.50

(b) Automobile Service Stations, on Sidewalks or Streets: Every person, firm, or corporation, engaged in the business of operating any gasoline or oil pump located on any street or sidewalk, whether such pump is regularly used for the sale of gasoline, or oil, or not, shall pay therefor an annual license tax of, per pump----------$50.00

PROVIDED, all such tanks must be installed under the direct supervision and according to the instructions of the Director of Public Works. A permit to install same must be obtained from the City Manager. The Council reserves the right, however, to prohibit the installation of such tanks on public property within the congested district of said municipality. This tax is for the right to use the sidewalk and is in addition to taxes levied by this ordinance on Automotive Service Stations.

(c) Automobile Equipment and Supply Dealers at Wholesale: Every person, firm, or corporation, engaged in the business of buying, selling, distributing, exchanging, and/or delivering automobile accessories, parts, tires, tools, batteries, and for other automobile equipment and for other supplies, or any of such commodities at wholesale shall pay for each location where such business is carried on a license tax for every place of business, of per annum----------$62.50

PROVIDED, where the wholesale tax is paid the retail tax is not collectible on sub-section c.

PROVIDED, any person, firm, or corporation, engaged in the business enumerated in this section, and having no located place of business, but selling to retail dealers by use of some form of vehicle, shall pay for such license, on each vehicle carrying on such business, a tax of, per annum---------$25.00

(d) Body or Top Builders: Every person, engaged in the business of building bodies or tops for automobiles, busses, or trucks, including necessary curtains, shall pay therefor a license tax, of per annum----------$12.50

(e) Curtain Manufacturers: Every person, engaged in the business of manufacture of curtains for automobiles, busses, or trucks, and not building bodies or tops for such automobiles, busses, or trucks, shall pay therefor a license tax of, per annum----------$12.50

(f) Motorcycle Dealers: Every person engaged in the business of buying, selling, distributing, and/or exchanging motorcycles or motorcycle supplies, or any such commodities, shall pay therefor a license tax of, per annum----------$10.00

(g) Motor Vehicle Dealers: Every person engaged in the business of buying, selling, distributing, servicing, storing, and/or exchanging motor vehicles, trailers, semi-trailers, tires, tools, and batteries, electrical equipment, lubricants, and/or automotive equipment and supplies, shall pay for each location at which such business is carried on, a license tax of, per annum----------$50.00

PROVIDED, that persons, firms, or corporations, dealing in second-hand or used motor vehicles exclusively, shall be liable for ----------$50.00

(h) Automobile Equipment, Used Parts: Every person, firm, or corporation, buying and selling second-hand, used parts for automobiles or repairing automobiles, shall pay a license tax for each business of, per annum----------$12.50

CITY AUTOMOBILE AND TRUCK TAGS.

Every person, firm, or corporation, resident of the City of Asheville, owning or operating a motor vehicle within the Corporate Limits, shall, on the first day of January of each year, purchase from the City Tax Collector, a metallic registration tag, said tags to be numbered consecutively, and as each tag is issued an alphabetical and numerical record is to be kept of same. This tag is to be prominently displayed on each motor vehicle and the purchase price of these tags is to be One Dollar. Upon satisfactory proof that said tag has been lost, stolen, or destroyed, a duplicate tag shall be issued and a fee of Twenty-five cents charged.

AWNINGS AND TENTS.

Every person, firm, or corporation, operating any business of manufacturing, selling, installing, or erecting tents or awnings, shall pay a license tax of:

Per annum----------$50.00
Itinerants, each----------100.00

NOT PRORATED.

PROVIDED, that where stores sell ready-made standard size window awnings only, not more than 48 inches in width, shall pay a license tax of, per annum----------$15.00

"B"

BAKERY PRODUCTS, CAKES, CRACKERS, AND DOUGHNUTS.

(a) Every person, firm, or corporation, operating a bakery or preparing or manufacturing bread, cakes, crackers, or doughnuts, shall, if selling at retail, pay a license tax of, per annum--$25.00

(b) Selling bakery products, including bread, crackers, or cakes, and doughnuts, at wholesale, per annum----------$125.00

PROVIDED, that any person, firm, or corporation, selling and delivering bakery products, including bread, cakes, crackers, or doughnuts, manufactured outside of the city, shall pay for each vehicle used in delivering such products within the city, a license tax of, per annum----------$150.00

PROVIDED, further, that this tax shall not apply to merchants selling bakery products, bread, cakes, crackers, or doughnuts, in connection with a regular merchandising business; and, provided, further, that it shall be unlawful for any person, firm, or corporation, selling or delivering bakery products after the passage of this ordinance to sell or deliver any such products from a vehicle unless such vehicle shall have plainly and visibly painted on it the name of the person, firm, or corporation, operating same, together with the name of the city where such bakery products are manufactured and to also procure from the Health Officer a "Bakery Delivery Permit", the number of which permit must be on such vehicle.

Doughnuts, machines----------$10.00

Bakery Products, small pies that retail for not over 5 cents, per annum----------$10.00

The foregoing shall not be collected from restaurants, on which restaurant tax has been paid.

BALLOONS, NOVELTIES, SOUVENIRS, CURIOS, FLAGS, ETC.

Every individual selling or offering for sale balloons, novelties, souvenirs, curios, flags, needles, sewing equipment, paring knives, cooking utensils, or other instruments, for the preparation of foods, or other classes of merchandise not specifically licensed or taxes herein, or ice cream, soft drinks, lunches, and fruits, shall pay a license tax of:

Per day----------$7.50
Per week----------15.00
Per month----------50.00

PROVIDED, that such tax shall not apply to any merchant selling said articles as part of a regular merchandise business and paying the tax prescribed for merchants; and, provided, that no person shall sell any food products under this section without first obtaining a written permit from the Health Officer.

BANKRUPT OR FIRE STOCK.

Every itinerant salesman or merchant who shall expose for sale either on a lot or in a house or store building rented temporarily for that purpose, any goods, wares, or merchandise, bankrupt or receiver's stock, or fire stock, not being a regular merchant in the city, shall apply for in advance a license for the privilege of transacting such business, and shall pay for such license a tax of, per annum----------$100.00

NOT PRORATED.

PROVIDED, that such tax shall not apply to any receiver or trustee conducting a bankrupt sale under order of Court.

BANKS AND TRUST COMPANIES.

Every person, firm, or corporation, engaged in the business of operating any general banking or trust business, and such other business as is ordinarily conducted in connection with bank and trust companies, shall pay a license tax as follows:

If its capital stock does not exceed $100,000.00, per annum----------$50.00
If its capital stock exceeds $100,000.00, but does not exceed $200,000.00, per annum---100.00
If its capital stock exceeds $200,000.00, but does not exceed $300,000.00, per annum---150.00
If its capital stock exceeds $300,000.00, but does not exceed $500,000.00, per annum---300.00
If its capital stock exceeds $500,000.00, per annum----------400.00

BANKS--MORRIS PLAN OR INDUSTRIAL.

(a) Every person, firm, or corporation engaged in the business of operating a Morris Plan or Industrial Bank, shall pay for the privilege of engaging in such business, the following tax:

When the total resources, as of December 31 of the previous year, are less than $250,000.00----------$ 37.50
$250,000.00 and less than $500,000.00---------- 75.00
$500,000.00 and less than $1,000,000.00---------- 112.50
$1,000,000.00 and less than $2,000,000.00---------- 150.00
$2,000,000.00 and less than $5,000,000.00---------- 225.00
$5,000,000.00 and over---------- 300.00

(b) Every person, firm, or corporation, engaged in the business of soliciting loans or deposits for Morris Plan or other Industrial Banks, shall pay a license tax of, per annum----------$ 25.00

Any bank that shall begin business during the current tax year, the tax shall be calculated on the total resources at the beginning of the business.

BARBER AND/OR BEAUTY COLLEGES.

Per annum----------$25.00

BARBER SHOPS, BEAUTY SHOPS, OR PARLORS.

Every person, firm, or corporation, engaged in the business of conducting a barber shop, beauty shop, or other parlor of like kind, shall pay the following tax:

For each barber chair maintained in barber shop, whether chair is in use or not, per annum----------$2.00
For each operator in beauty shop, parlor, or other shop of like kind in any office, hotel, or other place, per annum----------$5.00
For each barber chair maintained in a beauty shop, per annum----------$5.00
Itinerant massage operators, per day----------$5.00

BARBER OR BEAUTY SHOP SUPPLIES.

Every person, firm, or corporation, engaged in the selling of barber or beauty shop supplies, shall pay a license tax of, per annum----------$25.00

BARREL, CRATE, OR BASKET FACTORIES.

Each, per annum----------$25.00

BATH HOUSES.

Every person, firm or corporation operating or maintaining a bath or massage establishment, shall pay a license tax of, per annum----------$25.00

BEAUTY SHOPS OR PARLORS.

See "Barber Shops".

BED MANUFACTURERS.

Each per annum----------$25.00

BEER AND OTHER BEVERAGES.

Regulated by Special City Ordinance No. 241.

NOT PRORATED.

BICYCLES.

Each dealer or agent selling, supplying, repairing, or renting, per annum---------- 10.00

BILLBOARDS, ADVERTISING BY USE OF.

See "Advertising."

BILLIARDS AND POOL.

Every person, firm or corporation, association, club, or organization, by whatsoever name called, who shall rent, own, run, maintain, or operate a table or tables on which billiards, pool, or snooker is played, whether operated by slot or otherwise, shall pay, per annum, for the privilege of operating such billiard, pool, or snooker tables, a license tax for each table, as follows:

Tables measuring not more than 2 feet wide and 4 feet long----------$5.00
Tables measuring not more than 2½ ft. wide and 5 ft. long----------10.00
Tables measuring not more than 3 ft. wide and 6 ft. long----------15.00
Tables measuring not more than 4 ft. wide and 8 ft. long----------20.00
Tables measuring 4½ ft. wide and 9 ft. long, and larger----------25.00

PROVIDED, that in the event there should be kept, maintained, and operated, any table or tables whose measurements either by width or length are in excess of any of the dimensions in the schedule above enumerated, then and in such event such table or tables so kept, maintained and operated, shall pay a license tax at the rate of the next larger size table above classified.

BINDER OF BOOKS.

Including job printing, each per annum----------$30.00
Not including job printing, each, per annum---------- 15.00

BIRDS.

Every person, firm, or corporation, selling live birds, per annum----------$10.00

PROVIDED, that when pet shop license tax has been paid, no bird license shall be collected.

BLANKET AND/OR RUG SHOPS.

Every person, firm, or corporation operating a business where the principal items are blankets and/or rugs, shall pay a license tax of, per annum----------$10.00

BLOCKS, CEMENT.

See "Cement Blocks."

BLOWING MACHINES, LIFTING MACHINES, OR ANY EXHIBITION OR PERFORMANCE OF LIKE CHARACTER.

Each, per day----------$50.00

BLUEPRINT SHOPS.

Every person, firm or corporation, making or selling or distributing blue prints, each, per annum----------$25.00

BOARDING HOUSES AND TOURIST HOMES.

(a) Every person, firm, or corporation engaged in the business of operating a tourist home, tourist camp, boarding house, or similar place advertising in any manner for transient patronage, or soliciting such business, shall pay a license for five rooms or less, per annum----------$2.50

For each and every additional room---------- .50

(b) Every person, firm, or corporation engaged in the business of operating a boarding house using no form of advertising or solicitation for transient patronage and having seating capacity of a dining room in excess of sixteen (16) shall pay a license tax of, per annum----------$5.00

For each additional seat---------- .50

BOATS AND BOAT SUPPLIES.

Every person, firm or corporation selling boats, and/or boat supplies, and/or equipment for boats, shall pay a license tax of, per annum----------$25.00

BOND BROKERS.

(a) Every person, firm, or corporation, who justifies on any civil bond or makes a bond of any civil nature which is for any other person, firm or corporation, for profit, shall pay a license tax, per annum----------$75.00

(b) Every person, firm, or corporation, who justifies on any criminal bond or makes an appearance bond for a defendant in the Criminal Courts within the City of Asheville, and receives compensation therefor, shall pay a license tax of, per annum----------$100.00

PROVIDED, that in the event any person, firm, or corporation engages in the business of justifying on or making both civil and criminal bonds for profit, then and in such event, such person, firm, or corporation, shall pay an annual tax of----------$150.00

BOOK AGENTS.

Per annum----------$25.00
Per day---------- 2.50

NOT EXEMPTED.

Each agent shall always carry the license receipt issued and show the same when called to do so by anyone whom such agent calls on for the purpose of making a sale or demonstration.

BOOKBINDERS.

See "Binders of Books."

BOOK STORES AND STATIONERS.

Every person, firm or corporation, engaged in the business of selling books and stationery, where fifty (50%) per cent or more of the business is derived from the sale of books and stationery, shall pay a license tax of, per annum----------$25.00

BOOTBLACK STANDS.

Every person, firm, or corporation, operating any shoeshine parlor or other place open to the public for the shining of shoes, and having two or more seats or chairs, shall be charged per annum, for each seat or chair---------- .50

BOTTLING WORKS.

(a) Every person, firm, or corporation, manufacturing, producing, bottling, or distributing in bottles, or other closed containers, soda water, Coca-Cola, Pepsi-Cola, Ginger Ale, Chero-Cola, Dr. Pepper, grape, and other fruit juices or imitations thereof, carbonated or malted beverages, and like preparations, commonly known as soft drinks, shall pay a special license tax under the following schedule, to-wit:

LOW PRESSURE EQUIPMENT:

Where the machine or the equipment unit used in the manufacture of the above named beverages is a:

36 spouts, or greater capacity, low pressure filler----------$150.00
32 and less than 36 spouts, low pressure filler---------- 125.00
24 and less than 32 spouts, low pressure filler---------- 112.50
18 and less than 24 spouts, low pressure filler---------- 87.50
12 and less than 18 spouts, low pressure filler---------- 62.50

HIGH PRESSURE EQUIPMENT:

Where the machine or the equipment unit used in the manufacture of the above named beverage is a:

Royal (6-head); Shields (6-head); Adriance (6-Head) or other high pressure equipment having manufacturers' rating capacity of over 60 bottles per minute----------$150.00

Royal (6-head); Daleson (6-head); or other high pressure equipment having manufacturers' rating capacity of over 50 and less than 60 bottles per minute----------$125.00

Royal (r-head); Adriance (2-head); Shields (2-head); (full automatic); or other high pressure equipment having manufacturers' rating capacity of more than 40 and less than 50 bottles per minute----------$112.50

Dixie (automatic); Shields (head hand feed); Adriance (1-head); Calleson (1-head); Senior (high pressure); Junior (high pressure); or Burns' or other high pressure equipment having manufacturers rating capacity of more than 24 bottles and less than 40 bottles per minute----------$87.50

Single-Head Shields, Modern Bond (power), Baltimore (semi-automatic), and all other machines, or equipment, having manufacturers' rating capacity of less than 24 bottles per minute, and all foot power bottling machines----------$25.00

PROVIDED, that any bottling machine or equipment unit is not herein specifically mentioned shall bear the same tax as a bottling machine or equipment unit of the nearest rated capacity as herein enumerated; provided, that where any person, firm, or corporation or association, has within his bottling plant or place of manufacture more than one bottling machine or equipment unit, then such person, firm, or corporation, or association, shall pay the tax as herein specified upon every such bottling machine or equipment unit whether in actual operation or not.

(b) Every person, firm, corporation, or association distributing at wholesale, or jobbing, bottled beverages, as enumerated in sub-section (a) shall pay an annual license tax of----------$12.50

PROVIDED, however, that where the tax levied under sub-section (a) has been paid on any of the articles, machines, or equipment units enumerated therein, the tax levied under this sub-section shall not apply, nor shall any tax be collected on account of the delivery of the products, beverages, or articles enumerated in sub-section (a), and (b), when a tax has been paid under sub-section (a) or (b).

(c) Aerated, mineral, or other waters, selling or delivering in the city, per annum----$25.00

(d) Every distributing warehouse selling or supplying to retail stores, cereal or carbonated beverages on which the tax has not been paid under the provisions of Subsection (a) of this section shall pay the annual license tax for the privilege of doing business in the City provided in Subsection (b) of this section of----------.12.50

(e) Each truck, automobile, or other vehicle coming into this City from another State, and selling and/or delivering carbonated beverages on which the tax has not been paid under the provisions of Sub-section (a) of this section, shall pay an annual license tax for the privilege of doing business in this city, in the sum of $25.00 per truck, automobile, or vehicle. The license secured from the City under this section shall be posted in the cab of the truck, automobile or vehicle.

BOWIE KNIVES.

Any person, firm, or corporation, who shall keep in stock, or offer for sale, any bowie knives, dirks, daggers, slingshots, loaded canes, or brass, or metallic knuckles, shall pay a license tax of, per annum----------$200.00

BOWLING ALLEYS.

Every person, firm, corporation, association, club, or organization, by whatsoever name called, who shall own, rent, maintain or operate a bowling alley or alleys, shall pay on each alley so owned, rented, kept, maintained, or operated, per annum----------$12.50

BOX FACTORIES.

Per annum----------$25.00

BRANCH AND CHAIN STORES.

See "Chain and Branch Stores."

BRASS BANDS, ADVERTISING BY USE OF.

See "Advertising, Outdoor", Sub-section (c).

BRASS KNUCKLES.

See "Bowie Knives."

BROKERS, COTTON.

Every person, firm, or corporation, engaged in the business of buying and/or selling on commission any cotton, grain, provisions, or other commodities, either for actual, spot, or instant delivery, shall pay a license tax of, per annum----------$50.00

BROKERS, LOAN AGENTS.

See "Loan Agents or Brokers."

BROKERS, LUMBER.

See "Lumber Agents."

BROKERS, MERCHANDISE AND STOCK.

On every commission merchandise broker or dealer engaged in the buying and selling of goods and merchandise on commission and/or brokerage, a license tax shall be paid of, per annum----------$25.00

BROKERS, PAWN.

On every person, firm, or corporation, engaged in lending money or other things for profit, or on account of specific articles of personal property deposited with the lender in place, a license tax of, per annum----------;200.00

PROVIDED, where this tax is paid all other license taxes levied by this ordinance, except the tax on items enumerated under the heading of Pistols in this ordinance shall not be collected, but otherwise a $100.00 tax for Pawn Brokers and all other licenses on individual items, shall be collected.

Applicants for pawnbrokers' license must apply to the City Manager in person, for license; and file bond with a company licensed to do such business in the State of North Carolina as surety conditioned as the said Council may determine; which bond must be approved by the Solicitor of the Police Court; provided, every pawnbroker shall make a daily report to the Chief of Police, such report to give an accurate record of each individual article received or deposited as surety, showing name and address of owner, description of article, sufficient for identification, amount advanced for loan; such report to be made in a clear, legible hand or on a typewriter.

Any person, firm, or corporation, transacting the business of pawnbroker without a license, as provided in this section, or violating any of the provisions of this section, shall be guilty of a misdemeanor, and fined not less than fifty ($50.00) dollars.

BROKERS, STOCK.

Every dealer in stocks, bonds, or other securities, whether engaged in buying or selling on commission, or buying outright, shall pay a license tax of, per annum----------$50.00

PUBLISHING & LITHOGRAPHING.

Exempt from taxation by Section 136.

PUILDING MATERIAL.

(a) Every person, firm, or corporation, engaged as a dealer in lumber and/or other building materials, glass and paints excepted, shall pay a license tax per annum of----------$50.00

PROVIDED, where paints and glass are handled with building materials the license shall be----------$75.00

(b) Building Material Brokers: Every person, firm or corporation, engaged in the brokerage of building materials, shall pay a license tax of, per annum----------$50.00

(c) Every person, firm, or corporation, hauling or delivering lumber or building material in the City of Asheville, not having paid the tax in sub-section (a) and (b), shall pay the following tax:

On each one-ton truck or less----------$25.00
On each truck over one ton----------50.00
On each two-horse wagon----------20.00
On each one-horse wagon----------10.00

(d) Every person, firm, or corporation selling or delivering second-hand building material within the City of Asheville shall pay a license tax of, per annum----------$25.00

BUTCHER SUPPLIES.

Dealers in butcher supplies shall pay a license tax of, each, per annum----------$50.00

BUYING AND SHIPPING OF TIMBER, POLES, CROSSTIES, LOGS, TAN-BARK, ACID WOOD, OR SIMILAR ARTICLES--OFFICE ONLY.

Each, per annum----------$25.00

"C"

CABINET OR FURNITURE REPAIR SHOPS.

See "Repair Shops"

CAKES AND CRACKERS.

See "Bakery Products".

CAMERAS AND KODAKS.

Every person, firm, or corporation, selling or renting cameras or kodaks, per annum---$5.00

CANDY MANUFACTURING OR CANDY KITCHENS.

Every person, firm, or corporation manufacturing candy or other confectioneries, employing three persons, or less, shall pay per annum----------$25.00

Where employing more than three persons, per annum----------$50.00

CANDY.

At wholesale, where twenty (20%) per cent of the business done is the selling of candy, per annum----------$75.00

At wholesale, where less than twenty (20%) per cent of the business done is the selling of candy, per annum----------$10.00

Every person, firm or corporation selling candy at retail, where gross sales are less than $500.00 per annum, shall pay a license tax of, per annum----------$2.50

Every person, firm or corporation selling candy at retail, where gross sales are more than $500.00 per annum, shall pay a license tax of, per annum----------$5.00

On each truck or passenger car delivering candy or chewing gum or peanut products or other confectioneries, or tobacco products, for concerns which have not paid the wholesale tax herein levied, per annum (NOT PRORATED)----------$25.00

CANES, LOADED.

See "Bowie Knives."

CANE RACKS.

Racks for canes or knives, each, per day----------$15.00

CANVASSERS.

Every person, firm or corporation engaged in the business of canvassing, per annum---$5.00

NOT PRORATED.

A canvasser shall mean anyone who solicits orders for business, or calls from house to house anywhere within the corporate limits of the City of Asheville.

CAP PISTOLS.

See "Fire Works".

CARBIDE MANUFACTURERS OR LICENSING.

Every person, firm, or corporation, engaged in the business of manufacturing or selling or distributing carbide, per annum----------$10.00

CARNIVAL COMPANIES.

Every person, firm or corporation, engaged in the business of a carnival company or a show of like kind, moving pictures, and vaudeville shows, museum and menageries, merry-go-rounds, ferris wheels, ridin- devices, and other like amusements and enterprises, conducted for profit, under the same general management; or an aggregate of shows, amusements, eating places, riding devices, or any of them operating together on the same lot or contiguous lot or streets, traveling from place to place, whether owned and actually operated by separate persons, firms, or corporation, or not, filling week-stand engagements, or giving week-stand exhibitions, under canvas or not, or a part of a week, shall pay for the privilege of engaging in such business or amusements, for each week, or part of week, a tax of----------$150.00

PROVIDED, before any carnival company shall give any performance or exhibition, or open for the conduct of business within the corporate limits of the City of Asheville, an application in writing shall be made to the City Council, verified by the owner or manager of such carnival company, giving the following information:

The name of the owner of such carnival company, and in the event such owner is a corporation, the state where chartered, and its office or principal place of business, together with names of the officers of such corporation, or if a partnership, the names of all the partners; also, the route for a period of three weeks following the playing in the City of Asheville.

Only one carnival will be licensed to play within the corporate limits of the city during any one month, and in the event of the granting of any license permit, such permit shall authorize only the operation of the exhibition known as "shows", or "rides", and the operation of any gambling games, including "wheels", "stores", or other concessions, are expressly prohibited, and the right is hereby reserved to refuse any and all applications for permits, and in no event will any rebates, reductions from the tax levied, be made for any cause or purpose whatsoever.

A cash deposit of fifty dollars will be required for each carnival before "setting up" on lot, to defray the expenses of the Sanitary Department for cleaning up the lot used. The actual cost of cleaning will be charged and a refund will be made in the event of any surplus.

CARPET OR RUG CLEANING.

Per annum----------$25.00

Where license is paid under "Cleaning or Pressing Club Establishments" tax is not collectible under this section.

CASKETS, COFFINS--DEALERS IN.

Every person, firm, or corporation, engaged in the business of burying, and/or embalming the dead, or in the retail of coffins, caskets, or other funeral supplies, shall pay a license tax of per annum----------$100.00

PROVIDED, this section shall not apply to a cabinet-maker who is not an undertaker, who makes coffins to order, nor to licensed embalmers.

CEMENT BLOCKS.

Manufacturers of cement blocks, or pipe manufacturers, each, per annum----------$25.00

CEMENT--READY-MIXED.

Every person, firm or corporation dealing in Ready-Mixed Cement shall pay a license tax of per annum----------$25.00

CEREAL MANUFACTURERS.

Every person, firm or corporation, manufacturing cereals, shall pay a license tax of, per annum----------$25.00

CHAUTAUQUAS AND ENTERTAINMENTS--CHARITABLE.

Per week or part of week----------$20.00

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects, shall be exempt from taxation.

Provided, that when operas, chautauquas, star courses, or theatrical troupes, are employed, such as usually appear in licensed halls, then the tax shall be the same as that imposed on traveling theatrical companies performing in unlicensed halls.

PROVIDED, further, that no tax shall be charged for any exhibition or entertainment for the sole benefit of religious, charitable or educational objects, and given in halls used at the time exclusively for such objects, nor for exhibitions given at city parks when no charges for admission are made.

CHAIN AND BRANCH STORES.

Every person, firm, or corporation, engaged in the business of operating or maintaining, under the same general management, supervision, or ownership, two or more stores or mercantile establishments in the State, where goods, wares and/or merchandise are sold, or offered for sale at retail, or wholesale, shall be deemed a branch or chain store operator. On each and every such store operated, a license tax shall be paid of, per annum----------$50.00

"CHAIN STORE" further defined. The term "chain store" as used in this section shall include stores operated under separate charters of incorporation, if there is common ownership of a majority of stock in such separately incorporated companies, and/or if there is similarity of name of

such separately incorporated companies, and/or if such separately incorporated companies have the benefit in whole or in part of group purchase of merchandise, or of common management. And in like manner the term "chain store" shall apply to any group of stores where a majority interest is owned by an individual or partnership.

CANNERS, MANUFACTURER.

Each, per annum----------$15.00

CANDY, WHOLESALE.

See "Candy".

CHICKENS, DUCKS & TURKEYS.

Every person, firm, or corporation, selling from their business establishment, any chickens, ducks, or turkeys under six weeks of age, shall pay a license tax of, per annum----------$10.00

NOT PRORATED.

CHINA AND QUEENSWARE.

Every person, firm or corporation, engaged in the business of selling china and queensware, shall pay a license tax per annum, as follows:

Where the principal business is from the sale of such articles----------$25.00
Where the principal business is not from the sale of such articles---------- 5.00

CIGARS, CIGARETTES, AND TOBACCO--RETAILERS AND JOBBERS.

Every person, firm, or corporation, manufacturing cigars, cigarettes, chewing tobacco, smoking tobacco, snuff, or any other tobacco products shall pay a license tax of, per annum----------$10.00

Every person, firm, or corporation, engaged in the business of retailing cigars, cigarettes, chewing tobacco, smoking tobacco, snuff, or any other tobacco products, shall pay a license tax of, per annum----------$5.00

Every person, firm, or corporation, engaged in the business of retailing, wholesaling, and/or jobbing cigars, cigarettes, chewing tobacco, smoking tobacco, snuff, or any other tobacco products, shall pay a license tax of, per annum----------$10.00

CIRCUSES.

Every person, firm, or corporation, engaged in the business of exhibiting performances, such as a circus, menagerie, wild west show, dog and/or pony show, or any other show, exhibition, or performance similar thereto, shall pay the following tax for each day or part thereof:

(a) Such shows and/or exhibitions traveling on railroads and requiring transportation of:

Not more than two cars----------$15.00
Three to five cars, inclusive---------- 22.50
Six to ten cars, inclusive---------- 45.00
Eleven to twenty cars, inclusive---------- 62.50
Twenty-one to thirty cars, inclusive---------- 87.50
Thirty-one to fifty cars, inclusive----------125.00
Over fifty cars----------150.00

(b) Such shows and/or exhibitions traveling by automobiles, trucks, or other vehicles, other than railroad cars, and requiring transportation by:

Not over two vehicles---------- 3.75
Three to five vehicles---------- 5.00
Six to ten vehicles---------- 7.50
Eleven to twenty vehicles---------- 12.50
Twenty to thirty vehicles---------- 22.50
Thirty to fifty vehicles---------- 30.00
Fifty-one to seventy-five vehicles---------- 37.50
Seventy-six to one hundred vehicles---------- 50.00
Over One Hundred vehicles, per vehicle in excess thereof---------- 2.50

It is the intent of this subsection that every vehicle used in transporting circus property or personnel, whether owned by the circus or by others, shall be counted in computing the tax.

(c) Each side show, curiosity show, or other similar show, exhibiting on the same or contiguous lots with a circus, the tax shall be, per day or part of a day----------$7.50

And each separate tent shall be regarded as a sideshow, and shall pay the license tax herein before provided.

The payment of the foregoing tax shall permit on the exhibition known as the "sideshow", or in circus parlance, the "kid show". Before any permit for the licensing of any circus, menagerie, wild west show, or dog and pony show will be given, an application must be made to the City Manager, which application must show the name and title of the circus or other exhibition, the manager thereof, the owner or operators of the same, and if a corporation, the principal office or place of business, and the officers thereof, and the route of such circus or exhibition for the six days following any performance in Asheville; and if such route is not determined at the time of such application, it must be filled before giving any performance within the City; the number of cars, including "advance cars" the lot upon which the "Big Top", cook house, stables, and other tents and equipment will be placed; whether a parade will be given or not; the articles of merchandise to be vended, and the retail price thereof; which application must be sworn to and subscribed before an officer authorized to administer an oath; provided, further, that the tax shall be based on the report of the State Treasurer or an actual count of cars by the Director of Finance, and the payment of a license on the main and sideshows shall not authorize or permit the operating or the sale of any concession, soft drinks, or other merchandise without payment of the tax specifically designated herein upon such sales, and the sale of any and all foodstuffs shall be under the supervision of the Health and Sanitary Departments, and all ordinances regulating the handling of food shall apply to sales by any circus, their servants, agents, employees, or concessionaries.

Provided further, that a cash deposit of fifty ($50.00) dollars will be required from each circus or exhibition before "setting up" on lot, to defray the expenses of the Sanitary Department for cleaning up the lot used. The actual cost of such cleaning will be charged, and refund will be made in the event of any surplus. A deposit to cover cost of water used from the City supply will be required in accordance with the size of the circus.

CLAIM OR COLLECTION AGENCIES.

Every person, firm, corporation or association engaged in the business of operating a collection agency for the purpose of collecting accounts, bills, notes, or any other indebtedness from one person, firm or corporation in favor of another, shall pay a license tax of, per annum----------$25.00

PROVIDED, that this section shall not apply to a regularly licensed practicing attorney-at-law.

CLEANING AND PRESSING ESTABLISHMENTS.

See "Pressing Clubs".

CLEANERS OR DYERS OF HATS.

See "Pressing Clubs."

CLOTHING MERCHANTS.

Men's and Boys' Apparel.

Every person, firm, or corporation selling men's and boy's apparel at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually----------$ 5.00
2,000 and less than 5,000---------- 10.00
5,000 and less than 10,000---------- 15.00
10,000 and less than 15,000---------- 20.00
15,000 and less than 25,000---------- 25.00
25,000 and less than 35,000---------- 30.00
35,000 and less than 50,000---------- 40.00
50,000 and less than 75,000---------- 50.00
75,000 and over---------- 75.00

CLOTHING MERCHANTS.

Women's, Misses' and Girls' Apparel.

Every person, firm or corporation selling women's, misses' and girls' apparel at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually----------$ 5.00
2,000 and less than 5,000---------- 10.00
5,000 and less than 10,000---------- 15.00
10,000 and less than 15,000---------- 20.00
15,000 and less than 25,000---------- 25.00
25,000 and less than 35,000---------- 30.00
35,000 and less than 50,000---------- 40.00
50,000 and less than 75,000---------- 50.00
75,000 and over---------- 75.00

CLOTHING--SECOND-HAND.

Dealers in second-hand clothing shall pay a license tax of, per annum----------$25.00

Provided, that all such dealers shall secure a permit from the Health Officer.

COAL AND COKE DEALERS.

(a) WHOLESALE: Every person, firm or corporation, either as agent or principal, engaged in and conducting the business of selling coal or coke in carload lots, or in greater quantities, shall be deemed a wholesale dealer, and shall pay a license tax of, per annum----------$25.00

PROVIDED, that if such wholesale dealer shall also sell coal or coke, in less than carload lots, he shall not be subject to the retailers' license tax provided in sub-section (b) hereof.

(b) RETAIL: Every person, firm or corporation, either as agent or principal, engaged in and conducting the business of selling or delivering coal or coke at retail within the corporate limits of the City of Asheville, shall pay a license tax of, per annum----------$75.00

PROVIDED, however, that dealers or peddlers in coal who sell in quantities of 500 lbs. or less shall pay per annum----------$25.00
Those who sell in quantities of 100 lbs. or less shall pay, per annum---------- 5.00

NOT PRORATED.

COCA-COLA, BOTTLING WORKS, MERCHANTS OF.

See "Bottling Works."

COFFEE.

See "Tea, Coffee, and Sugar."

[illegible].

Every person, firm or corporation, engaged in operating one or more coffee roasting machines, shall pay a license tax of, per annum----------$25.00

[illegible].

See "Dealers, Retail, Dealers In."

[illegible].

Every person, firm or corporation, operating a warehouse where cold storage is furnished for any purpose, a license shall be paid, per annum----------$125.00

Where this tax is paid no other warehouse tax shall be paid.

[illegible].

Each, per annum----------$25.00

COTTON BUYERS AND SELLERS.

Every person, firm or corporation, who or which engages in the business of buying and/or selling on commission any cotton, grain, provisions, or other commodities, either for actual, spot, or instant delivery, shall pay a license tax of, per annum----------$50.00

CONTRACTORS AND CONTRACTING COMPANIES.

(a) Every person, firm or corporation who, for a fixed commission, fee, or wage, offers or bids to construct within the City of Asheville any building, highway, street, sidewalk, bridge, culvert, sewer, water, or drainage system, electric or steam railway, reservoir, or dam hydraulic or power plant, transmission line or tower, excavation, or grading or other improvement of structure, or any part thereof, shall pay a license tax of, per annum----------$10.00

(b) ELECTRICIANS:

Every person, firm or corporation who for a fixed price commission, fee or wage engages in the business with the general public as an electrician shall pay a license tax of, per annum---$20.00

PROVIDED, where only one additional person employed tax shall be----------$10.00

(c) PAINTERS:

Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public as a painter shall pay a license tax of, per annum--------$10.00

And shall pay for each additional workman, per annum----------$ 2.00

PROVIDED, however, that itinerant smokestack and structural steel painters shall pay a license tax of:

Per annum----------$15.00
Per month---------- 2.50

(d) PLASTERERS.

Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public as a plasterer, shall pay a license tax of, per annum----$10.00

(e) PLUMBERS.

Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public for plumbing, heating, sprinkling and gas fitting shall pay a license tax of, per annum----------$20.00

PROVIDED, that when a licensed plumber employs only one additional person the tax shall be one-half, $10.00.

(f) SHEET METAL WORKERS: Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public, doing sheet metal, tinning, roofing, ventilating work or operating a tin shop, shall pay a license tax as follows:

If not more than six persons are employed, per annum----------$25.00
Over six persons employed, per annum----------$30.00

(g) WRECKERS: Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public of demolishing, wrecking or tearing down any house or building, shall pay a license tax of, per annum----------$25.00

(h) MISCELLANEOUS CONTRACTORS: Every person engaged in business as a contractor, and not otherwise specifically taxed by this article, shall pay a license tax of, per annum-----$15.00

PROVIDED, that no person, firm or corporation doing business under any or all of these sections from a to h herein specified, shall be granted any permit and no inspection shall be made where such permit or inspection is required, unless such person, firm or corporation have paid their City Privilege License as herein specified.

COTTON BROKERS.

See "Brokers, Cotton."

COTTON MILLS.

Every person, firm or corporation, operating a cotton mill, shall pay a license tax of, per annum----------$150.00

COUPON BOOKS.

Every person, firm or corporation, issuing, selling and/or delivering books or other similar devices containing coupons or tokens of trade which may be presented at any business house and accepted as a discount, bonus premium, or as an instrument to secure trade or patronage shall pay a license tax of, per annum----------$200.00

CREAMERIES, DAIRIES, AND MILK PASTEURIZERS.

(a) Each establishment shall pay a license tax of, per annum----------$25.00
(b) On each motor vehicle hauling or delivering milk products at retail or wholesale, a license tax shall be paid of, per annum----------$ 15.00
(c) On each horse-drawn vehicle, a license tax shall be paid of, per annum---------$ 7.50

PROVIDED, that where the $200.00 license is paid under sub-section (a), the taxes under sub-section (b) and (c) are not collectible.

"D"

DANCES.

Every person, firm or corporation, operating a dance hall where admission is charged, or where a charge per dance is made, in the City of Asheville, shall pay a license tax of, per annum--$25.00

Where the annual license tax is not paid, per dance----------$ 3.00

This tax shall apply to any place where dances are given, regardless of whether other tax is paid or for what purpose the proceeds are to be used.

DANCING SCHOOLS.

Every person, firm or corporation, operating a dancing school, or place for giving instruction in dancing, shall pay a license tax of, per annum----------$10.00

DECORATORS.

Every person, firm or corporation, placing decorations or buntings on buildings, streets, or other places, for compensation, shall pay a license tax of:

Resident----------$15.00
Itinerant---------- 75.00

NOT PRORATED.

DECORATORS, INTERIOR.

See "Interior Decorators."

DELICATESSENS.

Every person, firm or corporation, operating a delicatessen stand, shall pay a license tax of, per annum----------$25.00

However, if restaurant service is given, a tax shall be paid as herein provided for restaurants.

DELIVERY AGENCIES.

Parcel or delivery companies shall pay a license tax, where automobiles or trucks are used of, per annum----------$60.00

Provided, however, that persons, firms or corporations, delivering packages, parcels or bundles, and charging for such service and using bicycles, or delivering by other means, shall pay a license tax of, per annum----------$15.00

Provided, further, that persons, firms or corporations, delivering packages, parcels or bundles, by motorcycle, and charging for such service, shall pay a license tax of, per annum---$30.00

DENTAL LABORATORIES SUPPLIES AND EQUIPMENT.

Every person, firm or corporation, selling, distributing and/or jobbing, dental supplies, shall pay a license tax of, per annum----------$50.00

Provided, however, that the provisions of this section shall not apply to licensed drug stores or licensed dentists.

DENTISTS.

Exempt by State Statutes.

DETECTIVE AGENCIES.

Each, per annum----------$20.00
Each employee of any agency, per annum---------- 5.00

DEVICES, TRADING STAMPS, ETC.

On every person, firm, or corporation, engaged in the business of issuing, selling, and/or delivering trading stamps or checks receipts, certificates, tokens or other similar devices, or persons engaged in trade or business with the understanding or agreement express or implied that the same shall be presented or given by the latter to their patrons as a discount, bonus premium or as an inducement to secure trade or patronage, and that the person, firm or corporation, selling, and/or delivering the same will give the persons presenting or promising the same, money or thing of value, or any commission or preference in any way on account of possession or presentation thereof, license tax of, per annum----------$200.00

(a) This section shall not be construed to apply to a manufacturer or to a merchant who sells the goods, wares, or merchandise of such manufacturer offering to present to the purchaser or

customer a gift of certain values as an inducement to purchase such goods, wares, or merchandise.

DIRECTORIES.

Every person, firm or corporation, compiling, selling, or delivering city directories, shall pay a license tax of, per annum----------$25.00

DOGS. (THREE MONTHS OLD OR OVER)

Each, per annum (male and spaded female)----------$1.00
Each, per annum (female)---------- 2.50
Duplicate tags, each---------- .10

All dogs running at large in a public place between May 1st and October 1st, shall be muzzled or on a leash.

PROVIDED, that any dog caught on the streets of the City of Asheville, without a City license, shall be impounded and an impounding fee of $1.00 shall be paid, in addition to the license as prescribed in this ordinance, and if the dog is not called for within five days, the owner shall have no claim on said dog.

If the licenses on dogs are not paid within five days from date of notice, the owner will be subject to a summons to the Police Court of the City of Asheville.

The City Tax Office, upon positive identification of a dog biting any person on any public property, shall notify the owner to confine said dog at a licensed veterinarian for fifteen days at the owner's expense.

Sever dogs or more, see "Kennels."

NOT PRORATED.

DOUGHNUTS.

All Brown Bobby or doughnut machines, each, per annum----------$10.00

DRUG STORE LUNCHES.

See "Restaurants."

DRY GOODS AND/OR NOTIONS AT WHOLESALE.

Every person, firm or corporation selling dry goods, and/or notions, at wholesale, shall pay a license tax of, per annum----------$25.00

DYERS.

See "Pressing Clubs."

"E"

EGGS.

See "Poultry and Eggs."

ELECTRICAL ENGINEERS.

Exempt by State Statutes.

ELECTRICAL EQUIPMENT, FIXTURES OR SUPPLIES.

Every person, firm or corporation, selling or distributing any electrical equipment, supplies, or fixtures, where the principal business done is electrical equipment, fixtures, or supplies, shall pay a license tax of, per annum----------$25.00

Where the principal business done is not from the sale of electrical equipment, fixtures, or supplies, a tax of, per annum----------$10.00

ELECTRICAL CONTRACTORS, PLUMBERS, STEAM AND GAS FITTERS.

See "Contractors."

ELECTRIC LIGHT COMPANIES.

On every electric light company, power company, gas company, or street railway company, doing business or having an office within the City, an annual license tax of one per cent on the gross receipts of its said business shall be paid.

ELECTRIC SIGNS.

Every person, firm or corporation, selling, making, or distributing electric signs, shall pay a license tax of, per annum----------$25.00

ELEVATORS AND/OR SPRINKLER SYSTEMS.

Every person, firm or corporation engaged in the business of selling or repairing or servicing or equipping or installing elevators, shall pay a license tax of, per annum----------$50.00

EMBALMERS.

Exempt by State Statutes.

EMPLOYMENT AGENTS AND AGENCIES.

(a) Emigrant Agents: Every emigrant agent or person engaged in the business of procuring laborers for employment outside of Buncombe County, shall pay a license tax of, per annum----------$[illegible]

NOT PRORATED.

Provided, that such tax shall not apply to any resident person for taking laborers to some place outside of Buncombe County for the purpose of using them for his own employment.

(b) Employment Agencies: Every person engaged in the business of operating any agency for employing cooks, house servants, office help, teachers, laborers, or persons for any employment whatsoever, and making a charge for the services rendered, shall pay a license tax of, per annum----------$[illegible]

NOT PRORATED.

ENGINEERS, CIVIL.

Exempt by State Statutes.

ENGRAVING OR LITHOGRAPHING ESTABLISHMENTS OR SHOPS.

Each, per annum----------$[illegible]

ENTERTAINMENTS, OPERAS, CHAUTAUQUAS, STAR COURSES OR THEATRICAL TROUPES.

Such as usually appear in licensed halls, tents, or theatres, employed by or for charitable, religious, benevolent, or educational purposes, shall pay a license tax of, for each day or part of day's exhibition, or performance----------$[illegible]

Provided, however, that if such chautauquas, operas, star course, theatrical troupe, or entertainment, shall contain a State License Tax, as provided under Section 103, Sub-section [illegible] of the 1939 Revenue Act, shall pay a license tax of, for each week or part thereof----------$[illegible]

EXPLOSIVES.

Every person, firm or corporation, selling and/or distributing dynamite, powder, or other explosives, shall pay a license tax of, per annum----------$[illegible]

License issued subject to special ordinance regulating explosives.

EXPRESS COMPANIES.

(a) Every person, firm or corporation, domestic or foreign, engaged in the business of an express company, as defined in the 1939 Revenue Act, shall pay for the privilege of doing such business within the municipal limits, a license tax of, per annum----------$75.00

When this tax is paid the license tax under trucks in Section B is not collectible.

(b) Every person, firm or corporation, hauling or delivering express within the corporate limits of the City of Asheville, shall pay an annual license tax as follows:

On each motor vehicle of one ton capacity or less----------$25.00
On each motor vehicle of more than one ton capacity and not more than two---------- 35.00
On each motor vehicle over two ton capacity---------- 40.00

EXHIBITIONS OR EXHIBITS NOT [illegible]ALLY TAXED HEREIN.

Per day----------$ 7.50
Per week---------- 35.00

"F"

FACTORIES, BARREL, CRATE, PACKAGE.

See "Barrel Factories."

FACTORIES, BOX.

See "Box Factories".

FARM PRODUCTS.

See "Fruits and Produce."

FEATHER RENOVATORS.

Each, per annum----------$25.00

FERRIS WHEELS.

See "Riding Devices."

FERTILIZER DEALERS.

Every person, firm or corporation or their agents selling, delivering or distributing fertilizer or plant food, shall pay a license tax of each, per annum----------$25.00

Mixers or manufacturers of fertilizers, shall pay a license tax of, per annum----------$150.00

NOT PRORATED.

Provided, however, only the latter shall be collected from a manufacturer who is also a dealer,

FILLING STATIONS.

See "Automobile Service Stations."

FILMS, MANUFACTURE, STORAGE OR HANDLING.

Exempt by State Statutes.

FIRE INSURANCE AGENTS.

Exempt by State Statutes.

FIREWORKS.

Prohibited by State Statutes.

FISH, ORNAMENTAL.

Every person, firm or corporation, selling gold, silver, or other ornamental fish, alive, for use in an aquarium, bowls, or other ornamental purposes shall pay a license tax of, per annum----------$10.00

This tax shall not be collected when a pet shop license is obtained.

FISH, PICKLED OR SALTED.

Prohibited.

FISH AND OYSTER DEALERS.

Each, per annum----------$25.00

Provided, that all dealers in fish and oysters shall secure a permit from the Health Officer.

FIVE AND TEN CENT STORES.

Every person, firm or corporation, engaged in the operation of a business commonly known and designated as a "Five and Ten Cent Store", or where the majority of the articles of merchandise are offered for sale and are priced at less than one dollar, shall pay a license tax of, per annum----------$300.00

Provided, where this tax of $300.00 is paid, the "chain store" license tax, and all other license taxes levied by this ordinance on individual items, shall not be collectible, but otherwise, "Chain Store" tax and all of the other individual items shall be collectible.

FLAGS, ITINERANTLY SELLING.

See "Balloons".

FLOOR FINISHERS.

Floor finishers using electrically operated machinery, shall pay a license tax of, per annum----------$10.00

FLORISTS.

(a) On every person, firm or corporation, operating or maintaining a shop or store for the sale of flowers or ornamental plants, a license tax shall be paid of, per annum----------$50.00

Provided, that if any person, firm or corporation shall do an annual business of less than $2,500.00 and more than $1,500.00 the license tax on such business shall be----------$35.00

Provided, where such annual business is less than $1,500.00, a license tax of, per annum----------$20.00

(b) On every person, firm or corporation, operating or maintaining a wagon or truck for the sale of flowers, or ornamental plants on the streets of the city, and not paying the foregoing tax, on each truck or wagon, shall pay a license tax of, per annum----------$25.00

The foregoing tax shall NOT BE PRORATED.

(c) Flower Peddlers. Prohibited on all business streets and sidewalks within the fire district, except on curb market. See Curb Market ordinance for regulations.

FLOUR AND/OR GRIST MILLS.

Every person, firm or corporation operating a flour and/or grist mill, shall pay a license tax of, per annum----------$25.00

PROVIDED, where retail grocery stores or other retail establishments, whose principal business is not the selling of feed, the tax shall be, per annum on feed----------$5.00

FLYING-JENNY OR MERRY-GO-ROUND.

See "Riding Devices."

FORTUNE TELLERS.

PROHIBITED.

FOUNDRIES AND MACHINE SHOPS.

Each, per annum----------$50.00

Foundries or machine shops buying or selling old scrap brass, copper, or lead, are hereby required to keep the same records as are required of junk dealers.

FOUNTAINS, SODA.

Every person, firm or corporation, engaged in the business of operating a soda fountain or soft drink stand, shall pay a license tax as follows:

On each carbonator (draft arm of each soda fountain, per annum----------$5.00

FRANCHISES, SPECIAL.

See "Automobile Service Stations on Sidewalks or Streets."

FRATERNAL INSURANCE COMPANIES.

Exempt by State Statutes.

FRUIT PEDDLERS.

See "Fruits and Produce."

FRUIT STANDS.

When the principal articles of sale are fruits and/or vegetables, at retail, a license tax shall be paid, of per annum----------$ 5.00

FRUITS AND PRODUCE--WHOLESALE.

(a) Every person, firm or corporation, who maintains a permanent place of business for the purpose of selling at wholesale, fresh fruits, vegetables, and produce, in the City of Asheville, shall pay a license tax of, per annum----------$25.00

This tax shall not apply to farmers selling or offering for sale fresh fruits, vegetables, or farm products grown by seller.

The annual city license tax must be applied for and secured in advance before offering any of the above products for sale in the City of Asheville. This license cannot be prorated.

FUEL OIL.

Every person, firm, or corporation, engaged in the business of selling fuel oil at wholesale, or retail, shall pay a license tax of, per annum----------$25.00

FUR CLOTHING DEALERS.

(a) Every person, firm or corporation, selling either fur coats, chokers, fur scarfs, or other articles made in whole or in part out of fur, where 75 per cent of the gross sales or stock of merchandise carried consists of fur articles, shall pay a license tax of, per annum----------$50.00

(b) Every person, firm or corporation, engaged in the business of remodeling, repairing, or storing furs, employing two helpers or less, per annum----------$15.00

Employing more than two helpers, per annum----------$25.00

FURS--HIDES ACCEPTED.

Dealers in green or raw furs, each, per annum----------$25.00

FURNACES, DEALERS IN.

Every person, firm or corporation selling or distributing, or repairing, furnaces, or boilers, shall pay a license tax of, per annum----------$50.00

FURNITURE STORES.

Every person, firm or corporation selling furniture, new or second-hand, at retail, having floor space of:

2,000 sq. ft. or less, to 4,000 sq. ft., per annum----------	$15.00
4,000 sq. ft. to 6,000 sq. ft., per annum----------	25.00
6,000 sq. ft. to 8,000 sq. ft., per annum----------	40.00
8,000 sq. ft. to 10,000 sq. ft., per annum----------	60.00
10,000 sq. ft. and over, per annum----------	80.00

At wholesale, per annum----------150.00

Provided, however, that where any person, firm or corporation, operates a business not dealing with furniture exclusively, a tax shall be paid on the floor space devoted to the sale of furniture, but in no case shall the license tax be less than $15.00 per annum.

Every person, firm or corporation buying or exchanging used furniture, shall, before beginning business, secure a permit from the Health Officer.

GALLERIES, SHOOTING.

Each, per annum----------$25.00

NOT PRORATED.

GAMES.

Games for sport or play, including boxing and wrestling matches operated for profit, not herein specifically licensed, each exhibition or game----------$5.00

The foregoing shall not be collected from inter-scholastic or inter-collegiate athletic contests or baseball games.

GAS COMPANIES.

See "Electric Light Companies."

GASOLINE FILLING STATIONS.

See "Oils and Gasoline."

GASOLINE OR OIL PIPE LINES--ANNUAL.

Laid in or across any public street, sidewalk, or alley, a tax of ten cents per lineal foot of such pipe line.

Provided, however, that no such pipe line shall be laid without first obtaining a license or permit by the City Manager, which license or permit may be granted or refused in the discretion of the Council, in the interest of public safety or convenience.

GIFT AND SOUVENIR SHOPS.

Every person, firm or corporation, engaged in the business of operating a gift or souvenir shop, shall pay a license tax of, per annum----------$10.00

GINGER ALE, BOTTLING, OR WHOLESALE DEALERS.

See "Bottling Works."

GLASS.

Every person, firm or corporation, selling or distributing glass, shall pay a license tax of:

At wholesale, per annum----------$100.00
At retail, per annum---------- 50.00

GOLF, MINIATURE.

Per annum----------$10.00

GOODS, WARES, AND MERCHANDISE--PEDDLING OF.

(a) Any person, firm or corporation, who or which shall carry from place to place any goods, wares or merchandise, and offer to sell or barter the same, or actually sells or barters the same, shall be deemed a peddler, and shall apply for and procure from the collector of special license taxes a municipal license for the privilege of transacting such business and shall pay for such license the following annual tax:

Peddling on foot, per annum----------$5.00
Peddling with horsedrawn vehicle, per annum---------- 5.00
Peddling with passenger car or with small trucks, up to and including one-half ton capacity---------- 7.50
Trucks of over one-half ton capacity----------12.50

PROVIDED, however, that before license can be issued by the City to permit peddling within the Corporate limits of the City of Asheville, every such person shall exhibit to the Tax Collector his or its state license for the privilege of peddling.

Any person, firm, or corporation employing the service of another as a peddler, whether on a salary or on a commission basis, shall be liable for the payment of taxes levied in this section.

(b) Any person, firm or corporation, who or which sells or offers to sell, from a cart, wagon, truck, automobile, or other vehicle, operated over and upon the streets within the City, any fresh fruits and/or vegetables shall be deemed a peddler within the meaning of this section, and shall pay the annual license tax levied in Sub-section (a) of this section with reference to the character of vehicle employed.

(c) Any person, firm or corporation, who or which sells or offers for sale, from any railway car, fresh fruits and/or vegetables, shall be deemed a peddler within the meaning of this section and shall pay an annual license tax of----------$12.50

Nothing in this section shall apply to the sale of farm products raised on the premises owned or occupied by the person, firm or corporation, his or its bona-fide agent, or employees, selling the same.

Provided, however, before any person, firm or corporation, who or which sells or offers for sale any fruits or farm produce upon any street, sidewalk or alley, or from any railroad car, such person shall apply to the tax collector of the City of Asheville for a peddling permit, filing affidavit, sworn to and subscribed before a person authorized to administer oaths by the Laws of the State of North Carolina, swearing to the fact that all farm products to be sold during the tax year have or will be grown on premises owned or occupied by the person, firm or corporation, his or its bona-fide agent or employee selling the same, with description and location of the premises on which such farm produce or fruits has been grown or will be grown, mail address, and any other information which may be required from such person with reference to such raising or selling of the same. And, if entitled to sell such farm produce without the payment of a license tax herein provided, the tax collector shall issue a permit for such sales and, if liable, such permit shall not be issued until the tax prescribed herein shall have been paid in full. City employees are prohibited from notarizing any affidavit.

(d) Every person, firm or corporation not being a regular merchant in the City of Asheville, who shall display samples, goods, wares or merchandise in any building or hotel room, for the purpose of securing orders for the sale or selling such goods, wares or merchandise, at retail, bankrupt stock or fire stock, shall apply for in advance and procure a license from the collector of special license taxes for the privilege of transacting such business, and shall pay for such license tax of, per annum----------$100.00

(e) The provisions of this section shall not apply to any person, firm or corporation who or which sells or offers for sale books, periodicals, printed music, ice, coal, wood for fuel, fish, beef, mutton, pork, bread, cakes, milk, products of the dairy, or articles of their own manufacture, but shall apply to medicine, trunks, or articles assembled.

Provided, the exceptions contained in this section shall not allow or permit the sale or barter of any article of merchandise of any kind which is now prohibited or regulated by any other ordinance of the City of Asheville.

(f) Exceptions: Whenever the Board of Commissioners of Buncombe County, upon proper application, exempts from the provisions of this section Confederate soldiers, disabled veterans of the Spanish-American War, disabled soldiers of the World War, who have been bona-fide recipients of the State for twelve or more months continually, and the blind, who have been bona-fide recipients of the State for twelve or more months continually, widows with children, and such persons present to the collector of special license taxes of the City of Asheville a certified copy of such exemptions by said Board of County Commissioners, and such certificate shall entitle the holder thereof to peddle within the limits of said County without the payment of any license tax to the city, such person shall be entitled to peddle within the corporate limits of the City of Asheville by reason of such exemption; provided, however, that such exemption relieves only the holder thereof of the payment of the license tax herein imposed on persons not exempted, but all other ordinances of the City of Asheville, with reference to the sale of goods, wares and merchandise, shall apply to the persons so exempted.

HOT PRORATED.

GRADING, PAVING, SIDEWALKS, SEWERS AND STORM SEWERS.

See "Contractors and Construction Companies."

GRAPHOPHONES, PHONOGRAPHS, OR TALKING MACHINES.

See "Organs, Pianos, and Phonographs."

GRAVEL.

See "Building Materials."

GROCERIES.

Wholesale, per annum----------$25.00

GUN AND LOCKSMITHS.

Each, per annum----------$10.00

GYPSIES AND FORTUNE TELLERS.

PROHIBITED.

"H"

HAIRDRESSERS.

See "Barber Shops, Etc."

HARDWARE DEALERS,

Every person, firm or corporation engaged in the business of selling hardware, shall pay a license tax, per annum, as follows:

Where the principal business is derived from the sale of hardware----------$25.00
Where the principal business is not derived from the sale of hardware---------- 5.00

HARNESS OR SHOE REPAIRERS OR MANUFACTURERS.

Each itinerant----------$100.00
Each resident employing no workman---------- 5.00
Each resident employing one workman---------- 7.00
Each resident employing two workmen---------- 9.00
Each resident employing three workmen---------- 15.00
Each resident employing four workmen---------- 24.00
Each resident employing five or more workmen---------- 35.00

HAT CLEANERS OR DYERS.

See "Pressing Clubs."

HATCHERY.

Every person, firm or corporation engaged in the business of operating a chicken hatchery, shall pay a license tax of, per annum----------$25.00

HATS.

See "Millinery."

HEALING--PROFESSIONAL ART.

Exempt by State Statutes.

HIDE DEALERS.

Each, per annum----------$100.00

HORSES, MULES, AND CATTLE--DEALERS IN.

Every person, firm or corporation engaged in the business of buying and selling horses and/or mules and/or cattle, shall pay a license of, per annum----------$12.50

HOSPITAL SUPPLIES--DEALERS IN.

Every person, firm or corporation engaged in the business of selling or distributing hospital supplies, shall pay a license tax of, per annum----------$40.00

Provided, however, the tax shall not be collected from persons, firms or corporations operating a drug store.

HOTELS.

Every person, firm or corporation engaged in the operation of any hotel, shall pay the following tax, per annum:

(a) American Plan: For hotels operating on the American Plan for rooms in which rates per day are:

Less than $2.00	$ .30
2.00 and less than 3.00	.45
3.00 and less than 4.50	.60
4.50 and less than 6.00	2.10
6.00 and less than 7.50	2.70
7.50 and less than 15.00	3.00
over 15.00	3.60

(b) European Plan: For hotels operating on the European Plan, for rooms in which rates per day are:

less than $2.00	$ .60
2.00 and less than 3.00	1.80
3.00 and less than 4.50	2.25
4.50 and less than 6.00	2.75
6.00 and less than 7.50	3.25
7.50 and less than 10.00	3.75
over 10.00	4.25

Provided, however, the office, dining room, parlor, kitchen and two other rooms shall not be counted when calculating the number of rooms in the hotel.

HOTEL AND RESTAURANT EQUIPMENT--DEALING IN.

Every person, firm or corporation engaged in the business of selling or distributing equipment for hotels or restaurants, whether for the culinary or other departments, shall pay a license tax of, per annum----------$50.00

HOUSE MOVING, WRECKING HOUSES OR OTHER STRUCTURES.

Every person, firm or corporation engaged in the business of moving, demolishing, or wrecking houses or other structures, shall pay a license tax of, per annum----------$25.00

Provided, however, when this license is paid, license under second-hand building material is not collectible.

HYPNOTICS.

Prohibited.

"I"

ICE CREAM--ITINERANTS SELLING.

See "Balloons."

ICE CREAM --RETAIL MANUFACTURER OR WHOLESALE DEALERS.

(a) Each retail dealer, per annum----------$2.50

PROVIDED, that a retail tax shall not be collected from restaurants or drug stores who have paid the prescribed tax.

(b) Every person, firm or corporation engaging in the business of manufacturing or distributing ice cream at wholesale, shall pay a tax of one-eighth (1/8) of a cent for each gallon manufactured, sold, and/or distributed. Reports shall be made to the Director of Finance on such form as he may approve on the 1st day of December and 31st day of May of each tax year, covering all such gross sales during the six months' period, said tax of one-eighth (1/8) of a cent per gallon, shall be paid within and at the time of making said reports. For the purpose of this section, the words "ice cream" shall apply to ice cream, frozen custards, sherbets, water ices and/or similar frozen products.

(c) Ice cream peddlers, shall pay a license tax of, per annum----------$25.00

License issued, subject to approval and supervision of the Health Department and before party making application can be granted a license it will be necessary to have a written statement from the Health Officer that the proposed method of handling ice cream is approved by him.

For the purpose of this section, the words "ice cream" shall apply to ice cream, frozen custards, sherbets, water ice, and/or similar frozen products.

ICE DELIVERY SERVICE.

Every person, firm or corporation selling and/or delivering ice which has been purchased from a manufacturer who has paid the ice manufacturer's license, the tax shall be on each venicle, per annum----------$10.00

Every person, firm or corporation selling and/or delivering ice which has been purchased from a manufacturer who has not paid the ice manufacturer's license, the tax shall be per vehicle, per annum----------$50.00

PROVIDED, however, that this shall not apply to persons, firms or corporations who pay the license tax under "Ice Manufacturers or Dealers."

ICE DEPOTS.

On each retail depot with electric refrigeration, a license tax shall be paid of, per annum--$25.00

On each retail depot without electric refrigeration, a license tax shall be paid of, per annum----------$10.00

ICE MANUFACTURERS OR DEALERS.

Any person, firm or corporation, manufacturing ice, shall pay a license tax of, per annum--$250.00

PROVIDED, that where the manufacturing plant is outside of the City but the business is selling and delivering within the City, shall pay a license tax of, per annum----------$250.00

NOT PRORATED.

IMPLEMENTS.

See "Agricultural Implements and Machinery."

INSURANCE AGENTS.

Exempt by State Statutes.

INSURANCE FIRE COMPANIES.

Exempt by State Statutes.

INSURANCE FIRE ADJUSTERS.

Exempt by State Statutes.

INSURANCE--FRATERNAL ORDERS.

Exempt by State Statutes.

INSURANCE--TITLE.

See "Title Insurance."

INTERIOR DECORATING AND WALL-PAPER HANGING.

Every person, firm or corporation engaged in the business of paper-hanging, or engaged in the business of interior decorating, shall pay a license tax, as follows:

Wall-paper hanging, per annum	$10.00
Interior Decorating, per annum	10.00

Interior decorating does not include painting or wall-paper hanging.

"J"

JEWELRY.

Every person, firm or corporation operating a jewelry store, or shop, or selling plated and silverware, shall pay a license tax of, per annum----------$45.00

Every person, firm or corporation having a jewelry department or selling plated or silverware, but not engaged principally in the sale of jewelry, or plated or silverware, shall pay a license tax of, per annum----------$10.00

JEWELRY STANDS.

Every person, firm or corporation making key rings, tags, etc., in any place other than a building for such purposes, shall pay a license tax of, per annum----------$10.00

NOT PRORATED.

PROVIDED, that no person shall be allowed to make jewelry, key rings, tags, and trinkets upon public property or on the streets, sidewalks, or alley-ways of the City.

JEWELRY REPAIR SHOPS--OR WATCHMAKERS.

Every person, firm or corporation operating a jewelry or watch repair shop shall pay a license tax of, per annum----------$5.00

PROVIDED, that where a jewelry shop or store pays a jewelry tax, no tax shall be collected hereunder.

JUNK DEALERS.

Every person, firm or corporation, buying or selling junk, shall pay a license of, on each place of business, per annum----------$62.50

Each wagon or truck collecting junk, per annum----------$25.00

Any person, firm or corporation desiring a license hereunder must first make application in person to the City Manager, and will be required to furnish justified bond in the sum of $1,000 conditioned according to the City Ordinance applicable thereto.

"K"

KENNELS, DOG.

For each----------$50.00

The keeping of seven or more dogs, including pups over three months old, on the same premises, shall constitute the keeping of a kennel.

KNIVES OR SWORDS.

See "Cane Knives."

KNOCKS.

See "Pawn Brokers."

KNOXVILLE, TENN.

See "Tennis Matches."

KODAKS.

See "Cameras."

"L"

LABOR AGENTS, IMMIGRATION.

(a) Every person, firm or corporation, either as agent or principal, engaged in soliciting, hiring, and/or contracting with laborers, male or female, in this State, for employment out of the State, shall pay a license tax of, per annum----------$100.00

(b) Every person, firm or corporation, who or which engages in the business of securing employment for a person or persons and charging therefore a fee, commission, or other compensation, shall pay a license tax of, per annum----------$100.00

PROVIDED, however, that this section shall not apply to any employment agency operated by the Federal Government, the State, or any County or Municipality whose sole business is procuring employees for work in the harvesting of farm crops within the State of North Carolina.

LAUNDRIES.

Every person, firm or corporation engaged in the business of operating a laundry, including wet and/or damp wash laundries, where steam, electricity, or other power is used, also including renting towels and other linens, shall pay a license tax of, per annum----------$62.50

PROVIDED, that any laundry or other concern doing a gross volume of business of less than $100.00 per month, shall pay a license tax of, per annum----------$25.00

PROVIDED, further, that any laundry not employing in excess of four persons, shall pay a license tax of, per annum----------$25.00

PROVIDED, also, that this section shall not apply to washer-women.

Every person, firm, or corporation operating what is commonly called a cash and carry office receiving laundry and/or cleaning and pressing shall pay a tax of per annum----------$10.00

LAUNDRY AGENCIES.

Every person, firm or corporation engaged in the business of operating a laundry outside of Asheville, and soliciting laundry business within the City of Asheville through agents, shall pay a license tax of, per annum----------$12.50

LAWYERS.

Exempt by State Statutes.

LEASING OR SELLING FILMS.

Exempt by State Statutes.

LECTURERS, PROFESSIONAL.

Each lecture where admission is charged, except where solely for charitable, religious, or educational purposes----------$50.00

LEMONADE--ITINERANT.

See "Balloons."

LEMONADE STANDS.

On Public occasions, same as "Soft Drink Stands."

LIFTING MACHINES, BLOWING MACHINES.

Each, per day----------$50.00

LIGHTNING ROD AGENTS.

Each lightning rod dealer having a general office, or selling from a receiving point, shall pay a license tax of, per annum----------$10.00

LINEN SERVICE.

Every person, firm or corporation renting or placing towels or other linen for a rental or on a fee basis, shall pay a license tax of, per annum----------$[illegible]

LIVERY SHOPS.

Every person, firm or corporation engaged in business where the principal item is [illegible] liveries, shall pay a license tax of, per annum----------$[illegible]

LIVERY STABLES.

On every person, firm or corporation, who keeps horses or mules to hire or let, with or without vehicles, or runs a hitch and feed stable, a license tax shall be paid of, per annum------$[illegible]

LOAN AGENTS OR BROKERS.

Every person, firm or corporation engaged in the regular business of making loans or lending money, and accepting liens on, or contracts of assignment of, salaries or wages or any part thereof, or other security or evidence of debt for repayment of such loans in installment payments or otherwise, maintaining in connection with same any office or other located or established place for the conduct, negotiation, or transaction of such business, and or advertising or soliciting such business in any manner whatsoever, shall be deemed a loan agency, and shall pay a license tax of, per annum------$100.00

PROVIDED, that this shall not be construed to apply to banks, industrial banks, trust companies, building and loan associations, nor installment paper dealers as defined in Section 148 of the Revenue Act of 1939. It shall apply to those persons or concerns operating, or commonly known as loan companies or finance companies, and whose business is as hereinbefore described, and those persons, firms or corporations pursuing the business of lending money and taking as security for the payment of such loan and interest an assignment of wages, or an assignment of wages with power of attorney to collect same, or other order or chattel mortgage or bill of sale upon household or kitchen furniture.

LOAN COMPANIES.

See "Mortgage Loan Companies."

LUBRICANTS, OIL, ETC.--DEALERS IN.

See "Oils and Gasoline."

LUGGAGE.

(a) Each and every person, firm or corporation where 75 per cent of the gross sale or stock of merchandise carried is luggage, shall pay a license tax of, per annum----------$25.00

(b) Each and every person, firm or corporation, selling luggage, and where less than 75 per cent of the sales or stock of merchandise consists of luggage shall pay a license tax of, per annum----------$5.00

LUMBER--BROKERS OR WHOLESALE DEALERS.

Every person, firm or corporation with an office within the City of Asheville, manufacturing, buying and or selling lumber at wholesale, and or handling same upon a brokerage or commission basis, shall pay a license tax of, per annum----------$25.00

LUMBER DEALERS.

See "Building Materials."

LUNCH--DRUG STORES.

See "Restaurants."

LUNCH ROOMS AND RESTAURANTS.

See "Restaurants."

LUNGHES--ITINERANTS SELLING.

See "Balloons."

LYCEUM BUREAUS AND CHAUTAUQUA BUREAUS.

Each, per annum----------$25.00

"M"

MACHINE SHOPS.

Each, per annum----------$25.00

MACHINES, SLOT LOCK, AMUSEMENT, MERCHANDISING, OR VENDING DEVICES.

Every person, firm or corporation engaged in operating within the City of Asheville any slot machine, wherein is kept any article to be purchased by depositing any coin or thing of value or for which may be had any articles of merchandise, or any machine wherein may be seen any picture or heard any music by depositing any coin or thing of value, or any slot weighing machine or any machine for making stencils by the use of contrivances operated by depositing in the machine any coin or thing of value, or where any game is played or any lock operated by slot wherein money or thing of value is to be deposited, shall pay for each machine or lock the following license tax, per annum:

Music machine----------$ 5.00
Amusement games or devices, requiring deposits of less than five cents---------- 5.00
Amusement games or devices, requiring deposits of five cents and not more than nine cents-- 10.00
Amusement games or devices, requiring deposits of not less than 10 cents and not more than 24 cents---------- 25.00
Amusement games or devices, requiring deposits of not less than 25 cents and not more than 49 cents---------- 50.00
Amusement games or devices requiring deposits of not less than 50 cents and not more than 99 cents---------- 125.00
Amusement games or devices, requiring deposits of not less than one dollar and over---------- 250.00
Candy vending machines, requiring a deposit of five cents or over---------- 5.00
Slot Pool Tables measuring not more than 2'x4'---------- 2.50
Slot Pool Tables measuring not more than 2½'x5'---------- 5.00
Slot Pool Tables measuring not more than 3'x6'---------- 7.50
Slot Pool Tables measuring not more than 3½'x8'---------- 10.00
Slot Pool Tables measuring more than 3½'x8'---------- 12.50
Cigarette vending machines---------- 10.00
Plus the Retailer's Tobacco License on each machine, unless such machine is placed or located wherein a Retailer's Tobacco License has already been secured.

On all other 1¢ machines, not prohibited by the State Revenue Act, operated by slot lock, shall be on each machine---------- 2.50

PROVIDED, that every person, firm or corporation who engages in the business of leasing, renting, letting on shares, selling, or who engages in the business of placing on location within the City any 5¢ candy vending machines shall pay an operator's occupational tax of, per annum---------- 5.00
Or cigarette vending machines, per annum---------- 10.00

PROVIDED, further, that nothing contained in this Section shall have the effect of making legal any machine or device that is per se a gambling machine or device.

NOT PRORATED.

PROVIDED, the foregoing shall not apply to those items enumerated in Section 129 of the Revenue Act of 1939.

PROVIDED, however, that this section shall not apply to machines owned and operated by any retail merchant in his own place of business for delivering merchandise of the market value of the coin deposited; nor shall it apply to slot machines from which drinking cups are delivered at not more than one cent per cup.

The operator or owner of each and every slot machine or slot lock shall keep posted a label that is issued with the license, same to be pasted on each machine.

Any slot machine being operated without being properly licensed, shall be confiscated and/or sealed by the Tax Collecting authorities and same shall not be released until said tax is paid, and a penalty of Two Dollars for each machine so confiscated or sealed. Any person breaking a seal and operating such machine after same has been sealed, shall be liable to a penalty of $50.00 for each offense.

MACHINERY.

See "Agricultural Implements and Machinery."

MAKERS OF BONDS.

See "Bond Makers."

MANICURISTS.

Resident, per annum----------$5.00
Itinerant, per annum----------50.00

MANUFACTURERS--MISCELLANEOUS.

Every person, firm or corporation engaged in the business of manufacturing any product not taxed under this Schedule, shall pay a license tax of, per annum----------$25.00

MASSAGE ESTABLISHMENTS.

Each, per annum----------$25.00
Itinerant, per day---------- 5.00

MATCHES--WRESTLING.

See "Games".

MATTRESS FACTORIES OR RENOVATORS.

Each, per annum----------$25.00

MEATS.

(a) Every person, firm or corporation engaged in the operation of a meat market, shall pay the tax in accordance with the classification hereinafter set forth:

CLASS A.

Meat markets selling 500 pounds or less of fresh meats per week, each, per annum-----$25.00

CLASS B:

Meat markets selling over 500 pounds of fresh meats per week, each, per annum----------$50.00

PROVIDED, that such license tax shall be paid for each meat market operated within the corporate limits of the City of Asheville.

(b) Every person, firm or corporation engaged in the wholesale distribution or sale of fresh or cured meats----------$50.00

PROVIDED, those who manufacture sausage and other spiced meats exclusively from meats bought the license shall be only----------$10.

(c) Every person, firm or corporation storing, jobbing, or selling meat at any but their regular wholesale houses within the city limits----------$50.00

PROVIDED, that the provisions of this section shall not apply to grocers, farmers or corporations who have paid the tax levied for packing houses.

NOTE: Meat not having been salted longer than twenty days shall be classified fresh meat, and the license shall be collected as itemized on retail and wholesale dealers of fresh meats. PROVIDED, that from and after the passage of this Ordinance it shall be unlawful for any person, firm or corporation to operate a meat market without first obtaining a meat market permit from the Health Officer which must be in force during period of operation and a copy of the same must be conspicuously posted at all times within the said market so as to be plainly visible to all customers who may patronize such market.

PROVIDED, further, that the Director of Finance may require at any time an affidavit from the operator of any week, during the tax year, and if during any week in the tax year a meat market in Class A sells more than 500 pounds of meat, then said Class A meat market shall be rated as Class B, and shall be liable for tax in accordance with Class B schedule.

MEAT DISTRIBUTORS.

Every person, firm or corporation selling, distributing and delivering meat at wholesale or retail, and not having a place of business in the City of Asheville, shall pay a license tax of, per annum----------$50.00

Handling sheep only----------$15.00

PROVIDED, the provisions of this section shall not apply to persons, firms or corporations paying packing house license.

MEDICINE SELLERS OR VENDORS.

See "Goods, Wares and Merchandise."

Free shows in connection with the selling of medicines or other merchandise in other than licensed theatres or moving picture shows, prohibited within the corporate limits of the City of Asheville.

MENAGERIES.

See "Circuses."

MERCHANTS--ITINERANT.

Itinerant or salesman selling as proprietor or agent in any lot or in a storeroom, goods, wares, or merchandise, on which an itinerant or other tax is not herein specifically imposed, shall pay a license tax of, per annum----------$100.00

NOT PRORATED.

PROVIDED, that all such sales on any street, square, alley, or other municipal property is expressly prohibited.

Itinerant merchants, dealers, or proprietors, or agent selling bankrupt or fire sales, or any kind of goods, wares, or merchandise, shall pay a license tax of, per week----------$100.00

PROVIDED, however, that no tax shall be collected from trustees or officers of a Bankruptcy Court making sales under Order of Court.

MERCHANTS--PEDDLING.

See "Goods, Wares, and Merchandise."

MERCHANTS--TAILORS.

Employing two helpers or less, per annum----------$10.00
Employing over two helpers, per annum---------- 25.00

MERCHANTS AND STOCK BROKERS.

See "Brokers."

MERRY-GO-ROUND OR FLYING JENNY.

See "Riding Devices."

METAL BROKERS AND DEALERS.

Every person, firm, or corporation buying and selling, either as agent or principal, old metal, old brass, lead and any other metal, shall pay a license tax of, per annum----------$150.00

METAL WORKERS, ESTABLISHED ON THE SPOT.

See "Contractors and Construction Companies."

METALLIC CARTRIDGES.

See "Pistols."

METALLIC, WOOD, OR LEAD LETTERING.

See "Bowie Knives."

MILK DISTRIBUTORS OR DEPARTMENT.

See "Creameries and Dairies."

MILL SUPPLIES.

Every person, firm or corporation selling or distributing mill or factory supplies, shall pay a license tax of, per annum----------$100.00

MILLINERY MERCHANTS.

Every person, firm or corporation selling millinery, shall pay a license tax of, per annum----------$25.00

PROVIDED, that any person, firm or corporation selling millinery where the gross sales do not exceed $1,000.00 shall pay a license tax of, per annum----------$10.00

MINSTREL SHOWS.

See "Pictures."

MONUMENTS OR TOMBSTONES--DEALERS IN.

Every person, firm or corporation engaged in the business of erecting, manufacturing, jobbing, selling or offering for sale monuments, marble tablets, grave stones, or articles of like kind, shall pay a license tax of, per annum----------$10.00

MOP OR BROOM FACTORIES.

Every person, firm or corporation manufacturing or assembling mops or brooms, shall pay a license tax of, per annum----------$25.00

MOTORCYCLE DEALERS.

See "Automobile, Motorcycles, Motor Vehicles--Dealers In."

MOVING PICTURES OR VAUDEVILLE SHOWS.

On each room, hall, tent, or air-drome used as a moving picture or vaudeville show, an annual license tax as follows shall be paid:

On each place having a seating capacity of less than 500	$125.00
On each place having a seating capacity of 500 or less than 1,000	175.00
On each place having a seating capacity over 1,000	212.00

PROVIDED, any moving picture show operating more than two (2) miles from the business center of the City of Asheville (for the purpose of this provision the term "business center" being defined as the intersection of the principal business streets of the City of Asheville), the territory in which such moving picture show is located having been annexed to such city subsequent to January 1, 1923, the license tax shall be, per annum----------$100.00

No additional tax may be charged for fortune tellers, clairvoyants and similar crafts appearing under contract in theatres.

PROVIDED, further, that any and all other forms of amusement not otherwise taxed or specifically exempted in this act for which an admission is charged, every person, firm or corporation engaged in such business shall pay an annual license tax on each room, hall, or tent where such admission charges are made of, per annum----------$25.00

MULTIGRAPHS, MIMEOGRAPHS--DEALERS IN.

Exempt by State Statutes.

MULTIGRAPH SHOPS.

Every person, firm or corporation multigraphing or mimeographing letters, advertisements or other documents for compensation, shall pay a license tax of, per annum, as follows:

1 operator	$10.00
2 operators	15.00
More than 2 operators	25.00

"N"

NEWS DEALERS ON TRAINS.

Exempt by State Statutes.

NEWSPAPERS.

Daily, morning	$[illegible].00
Daily, afternoon	[illegible].00
Weekly	[illegible].00
Monthly	[illegible].00

PROVIDED, that where any newspaper company prints, in addition to its newspapers, circulars or other printed matter, the tax levied under "Printing Establishments", shall also be paid.

NEWSPAPER CONTESTS.

Every person, firm or corporation, conducting any newspaper contest, shall pay a license tax as follows:

Weekly, semi-weekly or monthly newspapers, magazines or periodicals	$[illegible].00
Daily Newspapers	[illegible].00

NEWS STANDS.

Per annum----------$5.00

NEWS STANDS ON STREETS OR ON MAILS.

Prohibited.

NEWSPAPER OR MAGAZINE DISTRIBUTORS.

Per annum----------$[illegible].00

NURSERIES.

Every person, firm or corporation operating a nursery, or selling or displaying for the purpose of advertisement or sale nursery products, shall pay a license tax of, per annum----------$25.00

PROVIDED, if person growing plants or evergreens in City or Buncombe County not operating a store, no tax shall be collected. Peddling plants, bulbs and evergreens, see "Goods, Wares and Merchandise."

"O"

OCULISTS.

Exempt by State Statutes.

OFFICE EQUIPMENT.

Every person, firm or corporation engaged in the business of selling office equipment or supplies, shall pay a license tax of, per annum----------$25.00

OIL, FUEL.

See "Fuel Oil."

OILS AND GASOLINE.

(a) Every person, firm or corporation engaged in the business of selling illuminating or lubricating oils or greases, or benzine, naptha, gasoline, or other products of like kind from an agency, station or warehouse, for the distribution or sale of the aforementioned commodities as defined in Section 137 of the Revenue Act of 1939, shall pay a license tax of, per annum----------$50.00

PROVIDED, that this shall apply only to agencies or warehouses in the City of Asheville engaged in the distribution or sale of the commodities enumerated.

(b) Every person, firm or corporation engaged in the business of selling illuminating or lubricating oils or greases, or benzine, naptha, gasoline, or other products of like kind, who do not maintain an agency, station, or warehouse within the City of Asheville, shall pay a license tax of, per annum----------$50.00

(c) Every person, firm or corporation engaged in the business of reconditioning or refining oils, shall pay a license tax of, per annum----------$25.00

OPERAS.

See "Chautauquas."

OPTICAL SUPPLIES.

Every person, firm or corporation selling optical goods or supplies at wholesale, shall pay a license tax of, per annum----------$150.00

At retail, per annum---------- 50.00

PROVIDED, however, that the foregoing tax shall not be collected from duly licensed practicing physicians, optometrists, or oculists.

OPTICIANS.

Exempt by State Statutes.

OPTOMETRISTS.

Exempt by State Statutes.

[illegible].

Exempt by State Statutes.

[illegible].

Every person, firm or corporation engaged in the business of selling, offering, or ordering for sale, any of the articles hereinafter enumerated, shall pay for the privilege of conducting such business a special license tax, per annum, as follows:

[illegible] and/or graphophones, radios, or radio accessories, victrolas, or other instruments using disc or cylinder records, and/or the sale of records for either or all of these instruments--$25.00

[illegible] representative or agent for the sale of pianos, and/or graphophones, radios, or radio accessories, victrolas, or other instruments using disc or cylinder records, and/or the sale of records for either or all of these instruments----------$25.00

[illegible].

Piano or piano tuners or repairers, per annum----------$5.00
Itinerants, per annum----------$50.00

[illegible].

Per annum----------$25.00

OPTOMETRISTS.

Exempt by State Statutes.

OYSTERS AND [illegible].

See "Fish and Oyster Dealers."

"P"

PACKING HOUSES.

Every person, firm or corporation engaged in or operating a meat packing house, and every wholesale dealer in meat packing house products, who owns, leases, or rents and operates a cold storage warehouse in connection with such wholesale business, shall pay for each such packing house or cold storage warehouse, a license tax of, per annum----------$150.00

PAINTING CONTRACTORS.

See "Contractors."

PAINT DEALERS.

Every person, firm or corporation selling or distributing paint, calcimine, or other paint products, shall pay a license tax of, per annum----------$25.00

PROVIDED, where roofing is sold an additional tax of $5.00 shall be charged.

PAPER OR PAPER PRODUCTS.

Every person, firm or corporation engaged in the sale or distribution of paper or paper products, where twenty per cent or more of their business is the sale or distribution of paper, shall pay a license tax of, per annum----------$50.00

PROVIDED, that where less than 20% of the business is paper products, the license tax shall be----------$10.00

PARKING PLACES.

On each and every lot used for a public parking place for profit, where other service is not rendered, shall be paid a license tax of, per annum----------$5.00

Where greasing, washing or other service is rendered----------$12.50

PASTEURIZERS OF MILK.

Each establishment shall pay a license tax of, per annum----------$100.00

The foregoing tax is not collectible where creamery tax is paid.

PATENT RIGHTS AND FORMULA--DEALERS IN.

On every person, firm or corporation, offering for sale any patent or formula, shall be paid a license tax of, per annum----------$10.00

PAVING, GRADING, SIDEWALK, SEWER, OR STORM SEWERS.

See "Contractors."

PAWN BROKERS.

See "Brokers, Pawn."

PEANUT AND POPCORN ROASTERS.

Every person engaged in the business of operating any peanut or popcorn roaster or stand, shall pay a license tax of, per annum----------$10.00

PROVIDED, that when a peanut or popcorn roaster or stand is operated in connection with some other business, the license tax shall only be, per annum----------$5.00

PEDDLERS OF BOOKS.

See "Book Agents."

PEDDLERS--GENERAL.

See "Goods, Wares and Merchandise."

PEDDLERS OR VENDORS OF MEAT.

See "Goods, Wares and Merchandise."

PEDDLING.

See "Goods, Wares and Merchandise." Also "Fruits and Produce."

PEDDLING OF FISH.

PROHIBITED.

PENNY ARCADES OR PARLORS.

See "Arcades".

PEPSI-COLA BOTTLING WORKS.

See "Bottling Works."

PERFUMES AND TOILET ARTICLES, [illegible], LIPSTICKS, ETC.

Every person, firm or corporation selling perfume, cologne, toilet water, bath salts, compacts, lipsticks, or other toilet articles, shall pay a license tax of, per annum----------$5.00

PROVIDED, where the gross sales are less than $500.00 annually, the tax shall be----------$2.50

PET SHOPS.

Every person, firm or corporation operating a shop usually known as a "pet shop", or place of business where pets such as dogs, monkeys, cats, birds, fish, white mice, or other pets by whatsoever name called, are sold, shall pay a license tax of, per annum----------$25.00

PHONOGRAPHS.

See "Organs."

PHOTOGRAPHERS.

Every person, firm or corporation engaged in the business as a photographer, canvasser for any photographer, agent of a photographer in transmitting pictures or photographs to be copied, enlarged or colored, shall pay a license tax of, per annum----------$10.00

NOT PRORATED.

PHOTOSTAT DEALERS.

Every person, firm or corporation making photostatic reproductions or engaged in the business of making photostatic copies for sale, shall pay a license tax of, per annum----------$25.00

PHRENOLOGISTS.

PROHIBITED.

PHYSICIANS.

Exempt by State Statutes.

PIANO OR ORGAN REPAIRERS OR TUNERS.

See "Organ Repairers or Tuners."

PICTURE MACHINES--ADVERTISING BY USE OF.

See "Advertising by Use of Picture Machines."

PICTURES MOVING.

See "Moving Pictures."

PICTURES, TRAVELING, MOVING, TRAVELING THEATRICAL, VAUDEVILLE, OR TRAVELING MINSTREL SHOWS.

Every person, firm or corporation, engaged in the business of a traveling theatrical, traveling moving picture, and or traveling vaudeville company, giving exhibitions or performances in any hall, tent, or other place not duly licensed as a theatre, moving picture or vaudeville house, for the privilege of engaging in such business, shall pay a license tax of $25.00 for each day or part of a day's exhibits or performances.

PROVIDED, that:

(a) Artists, exhibiting paintings or statuary work of their own hands, shall only pay----$0.00

(b) Such places of amusement that do not charge more than a total of fifty cents (50¢) for admission at the door, including reserved seat, and shall perform or exhibit continuously in any given place, as much as one week, shall be required to pay $25.00 per week or part of week.

Provided, however, where such amusement company holds an annual state-wide license, as provided under Section 103 of the 1939 Revenue Act, such company shall pay $10.00 per week, or part of week, provided such places of amusement do not charge more than a total of 50¢ (fifty cents) for admission at the door as provided for in sub-section b of this section.

(c) The owner of the hall, tent or other place where such amusements are exhibited or performances held shall be liable for the tax.

Application for permit to exhibit must be made in the same manner as herein required of a circus, and no performance shall be given unless permit is granted.

PIPE OR CEMENT BLOCKS.

See "Cement Blocks."

PISTOLS.

Every person, firm or corporation who is engaged in the business of keeping in stock, selling, and/or offering for sale any of the articles or commodities hereinafter enumerated, shall pay the following tax, per annum:

(a) For pistols----$50.00

(b) For Bowie knives, dirks, daggers, sling-shots, loaded canes, iron or metallic knuckles, or articles of like kind----$200.00

(c) Blank cartridge pistols----$200.00

PROVIDED, however, that if such person, firm or corporation deals only in metallic cartridges, the tax shall be, per annum----$10.00

PLANTS, BULBS AND PLANTBANKS.

See "Seeds and Plants."

PLASTERING CONTRACTORS.

See "Contractors."

PLUMBING SUPPLIES.

Every person, firm or corporation selling plumbing supplies, shall pay a license tax of, per annum (wholesale)----$100.00

PROVIDED, every person, firm or corporation selling plumbing supplies at retail, shall pay a license tax of, per annum----$50.00

PROVIDED, however, where the above license is paid, then the contractor's license shall not be required.

POLES, CROSS-TIES, OR SIMILAR ARTICLES.

See "Buying and Shipping Of."

PONY AND DOG SHOWS.

See "Circuses."

POOL ROOMS.

See "Billiards."

POULTRY--EGGS.

Every person, firm or corporation buying or selling poultry or eggs, at wholesale, shall pay a license tax of, per annum----$20.00

Where poultry and eggs are sold, at wholesale----$30.00

POWER, GAS AND ELECTRIC LIGHT COMPANIES.

See "Electric Light Companies."

PRESSING CLUBS, DRY CLEANING PLANTS, AND HAT BLOCKERS.

Every person, firm or corporation engaged in the business of pressing and/or dry cleaning any article of clothing, re-shaping, cleaning and/or reblocking any hats, shall pay a license tax of, per annum, as follows:

(a) Where not more than three persons are employed----$10.00
(b) Where more than three persons and not more than six persons are employed---- 25.00
(c) Where more than six persons are employed---- 40.00

Every person, firm or corporation operating what is commonly called a cash and carry office receiving laundry and/or cleaning and pressing shall pay a tax of, per annum----$10.00

PRINTED ADVERTISEMENTS, SIGN TACKING, ETC.

See "Advertising--Distributors of Samples."

PRINTING AGENTS.

See "Agents, not Specifically Taxed."

PRINTING ESTABLISHMENTS.

Every person, firm or corporation operating a printing press, whether part time or not, or employing a helper or not, shall pay a license tax of, per annum----$10.00

Without bindery, employing one workman, per annum---- 5.00
Without bindery, employing two workmen, per annum---- 15.00
Without bindery, employing more than two workmen, per annum---- 20.00
With bindery, per annum---- 7.50

PRODUCE AND FRUITS.

See "Fruits and Produce."

PROFESSIONAL ART--HEALING.

Exempt by State Statutes.

PROFESSIONAL LECTURERS.

See "Lectures."

PUBLIC ADMONITIONMENT OF ADVERTISEMENTS BY USE OF TRADE NAMES, ETC.

See "Advertising."

PUBLIC SERVICE AUTOMOBILES.

See "Motor Vehicles for Hire."

PUBLIC STENOGRAPHERS.

Every person, firm or corporation engaged in public stenographic work, shall pay a license tax, for each person so engaged, of per annum----$2.50

"Q"

QUARRY ROCK.

(a) On each rock quarry, a license tax shall be paid of, per annum----$50.00

(b) Every person, firm or corporation, selling, hauling or delivering rock quarry products in the City of Asheville, not having paid the tax under sub-section (a), and not having a quarry within the City of Asheville, shall pay the following tax:

On each truck of two-ton capacity or less, per annum----$25.00
On each truck of more than two-ton capacity, per annum----$50.00

QUEENSWARE AND CHINA.

See "China and Queensware."

"R"

RACKS FOR KNIVES OR CANES.

See "Cane Racks."

RADIO INSTRUMENTS OR RADIO INSTRUMENT ACCESSORIES.

See "Organs, etc."

REAL ESTATE AUCTIONEERS.

See "Auctioneers."

RELIGIOUS ENTERTAINMENTS.

See "Charitable Entertainments."

REPAIR SHOPS.

Any repair shop operating in the City of Asheville, by whatsoever name called, not elsewhere specifically licensed or taxed in this ordinance, shall pay an annual license tax as follows:

Working one workman----$5.00
Working one or three workmen----10.00
Working three workmen or more----15.00

REPAIR SHOPS--CABINET.

See "Cabinet Repair Shops."

REPAIR SHOPS--CARRIAGE.

See "Carriage Repair Shops."

REPAIRING OR MANUFACTURING OF HARNESS OR SHOES.

See "Harness or Shoe Repairers."

REPAIRING OF TIRES OR TUBES - See "Tires."

RESTAURANTS, LUNCH ROOMS, LUNCH STAND WORKS, OR DRUG STORES.

(a) Every person, firm or corporation engaged in the business of operating a restaurant, cafe, cafeteria, hotel with dining service on the European Plan, drug store, or other place where prepared food is sold, shall pay an annual license tax based on the number of persons provided for with chairs, stools, or benches, and shall be 50¢ per seat, with a minimum tax of----------$2.50

(b) All other stands or places where prepared food is sold as a business, and drug stores, service stations, and other stores or places where prepared sandwiches only are served, shall pay an annual license tax of----------$2.50

RIDES AND PASTIMES.

Every person, firm or corporation engaged in the operation of a bagatelle table, merry-go-round, flying jenny, ferris wheel, whip, tango swing, caterpillar, tumble-bug, hobby-horse, switchback railway, shooting gallery, skating rink, or other amusement devices of a like kind, or a place for other games or play with or without name (unless used solely and exclusively for private amusement and exercise), at a permanent licensed place, shall procure a special license for the privilege of operating such objects of amusements, and shall pay for each object enumerated the following tax, per annum-------$25.00

ROOMS OR HALLS USED AS THEATRES.

See "Halls."

ROOTS AND HERBS.

Every person, firm or corporation buying or selling roots, herbs, or other medicinal plants, shall pay a license tax of, per annum----------$150.00

RUBBER STAMPS.

Every person, firm or corporation engaged in the exclusive business of manufacturing rubber stamps, stencils and seals, where 75 per cent of the business is derived from the manufacture of such articles, shall pay a license tax of, per annum----------$25.00

"S"

SALVAGE DEALERS.

Every person, firm or corporation buying, selling and or dealing in bankrupt stocks, factory job lots and second-hand materials of all kinds, shall pay a license tax of, per annum----------$300.00

PROVIDED, where this license is paid all other license taxes levied by this ordinance on individual items shall not be collectible.

PROVIDED, where the above tax is paid other classifications shall not apply.

SAMPLE AND SIGN DISTRIBUTORS, ETC.

See "Advertising."

SAND, STONE AND GRAVEL DEALERS.

Every person, firm or corporation selling or delivering into the City of Asheville, sand, stone, or gravel shall pay an annual license tax of----------$20.00

SANDWICHES.

Sandwiches, wholesale, per annum----------$15.00
Sandwiches, retail, per annum---------- 2.50

SCALE DEALERS.

Each dealer in, or agent for, shall pay a license tax of, per annum----------$25.00

SECOND-HAND AUTOMOBILE EQUIPMENT.

See "Automobile Equipment--Used Parts."

SECOND-HAND CLOTHING.

See "Clothing--Second-Hand."

SECURITY DEALERS.

(a) Every person, firm or corporation who or which is engaged in the business of dealing in securities as defined in Section 132 of the 1939 Revenue Act, or who or which maintains a place for or engages in the business of buying and or selling shares of stock in any corporation, bonds, or any other securities on commission or brokerage, shall pay for the privilege of transacting such business, a license tax of, per annum----------$50.00

(b) PROVIDED, every dealer as defined herein, other than banks or trust companies, shall pay a license tax for the privilege of transacting such business at each office.

(c) If every such person, firm or corporation described in sub-section (a) hereof maintains and or operates a leased or private wire and or ticker service in connection with such business, the annual license tax on the private wire or ticker service shall be----------$50.00

SEEDS AND PLANTS.

Every person, firm, or corporation selling or distributing bulk [illegible] seeds, plants, bulbs, roots, [illegible] a license tax of, per annum----------$ 1.

Selling bulk and package seeds only, per annum---------- 2.
Selling plants and package seeds only, per annum---------- 2.
Selling package seeds only, in boxes of 330 packages or less, per annum---------- 1.
Boxes of over 330 packages and not over 650 packages, per annum---------- 2.
Over 650 packages, per annum---------- 3.

NOT PRORATED.

SEWERS, GRADING, PAVING, ETC. [illegible] CONTRACTS.

See "Contractors."

SEWER PIPE.

Every person, firm or corporation selling sewer pipe, shall pay a license tax [illegible], per annum---------- 5.

No tax collected hereunder where building material tax is collected or where electrical contractor, plumber, steam and gas fitter tax is collected.

See "Electrical Contractors", etc.

SEWING MACHINE AGENTS.

Exempt by State Statutes.

SHIPPING AND BUYING [illegible], LOTS OR [illegible].

See "Buying and Shipping Co."

SHOE OR HARNESS MANUFACTURERS [illegible].

See "Harness Manufacturers".

SHOE SHINE PARLORS.

See "Bootblack Stands."

SHOE MERCHANTS.

Every person, firm or corporation selling shoes at retail, shall pay the following annual license tax based on the annual gross receipts:

Less than $2,000 annually----------$ 5.00
2,000 and less than 5,000---------- 10.00
5,000 and less than 10,000---------- 15.00
10,000 and less than 15,000---------- 20.00
15,000 and less than 25,000---------- 25.00
25,000 and less than 35,000---------- 30.00
35,000 and less than 50,000---------- 40.00
50,000 and less than 75,000---------- 50.00
75,000 and over---------- 75.00

SIGNBOARD, READING, PAINTED, [illegible] OR METAL SIGNS.

See "Contractors."

SIGN PAINTING.

In any city, peddling contractor not employing any workmen, each, per annum----------$10.00
In any city, peddling contractors employing two workmen or less---------- 15.00
Two or four workmen---------- 20.00
Four to six workmen---------- 25.00
Six or more workmen---------- 30.00
Itinerant city peddler, per annum----------100.00

SILK DRESSES, SKIRTS [illegible], ETC.

See "Wearables."

SILVER PLATING.

Every person, firm or corporation engaged in the business of silver plating, shall pay a license tax of, per annum----------$10.00

SKATING RINKS.

See "Rides and Pastimes."

SLOT MACHINES OR SIMILAR DEVICES.

Prohibited.

SMOKERS.

See "Bowls Knives."

SOAP MAKERS.

See "Machines, Slot."

SODA FOUNTAIN, SYRUPS.

Every person, firm or corporation selling or distributing fruits, syrups, or other supplies used at a soda fountain, where fifty per cent of the gross sales or stock of merchandise carried consists of fruits, syrups, or other supplies used at a soda fountain, shall pay a license tax of, per annum--$50.00

SODA FOUNTAINS.

See "Fountains, Soda."

SOFT DRINKS--BOTTLED.

On each person, firm or corporation selling bottled soft drinks, a license tax shall be paid of, per annum----------$2.50

SOFT DRINKS--ITINERANT SELLING.

See "Balloons."

SOFT DRINKS.

See "Drinks", also "Bottling Companies."

SOUVENIR SHOPS.

See "Gift and Souvenir Shops."

SPIELING--ITINERANT SELLING.

See "Balloons."

SPRINTZ SYSTEMS.

See "Elevators."

SPOOL AND FLANGING MACHINES.

See "Tools, Wares and Merchandise."

STABLES, LIVERY.

See "Livery Stables."

STAMPS, RUBBER.

See "Rubber Stamps."

STANDS, BOOTBLACK.

See "Bootblack Stands."

STANDS, FRUIT.

See "Fruit Stands."

STANDS, LEMONADE--PUBLIC OCCASIONS.

See "Lemonade Stands."

STAR COURSES.

See Chautauquas."

STATIONS, GASOLINE OR AUTO CLEANING.

See "Automobile Service Stations."

STEAM SHOVELS.

On each and every steam, gas, or motor driven shovel operated in the City of Asheville, a licehse tax shall be paid of, per annum----------$25.00

NOT PRORATED.

STEAM AND GAS FITTERS.

See "Electrical Contractors.", etc.

STENOGRAPHERS, PUBLIC.

See "Public Stenographers."

STOCK BROKERS.

See "Brokers, Stock."

STOCK YARDS OR PENS.

Every person, firm or corporation operating or maintaining a yard or pen where live stock is loaded, unloaded, fed or watered, shall pay on each yard or pen, a license tax of, per annum-----$250.00

PROVIDED, that any person, firm or corporation conducting a live stock exchange or market, or engaging in the business of purchasing and re-selling live stock at auction or otherwise and/or receiving and shipping live stock, shall pay, on each yard, a license tax of, per annum----------$75.00

PROVIDED, further, that the provisions of this tax shall not be collected from [illegible] operating or maintaining [illegible] who have paid the prescribed tax or [illegible].

STOCK AND MERCHANDISE BROKERS.

See "Brokers, Merchandise and Stock."

STORAGE OR TRANSFER WAREHOUSES.

Where a charge is made for storage service, other than cold storage, a license tax shall be paid of, per annum----------$ [illegible]

STORE MOVERS, GRADERS, PAVERS, [illegible] AND RAISERS.

See "Contractors."

STOVES, RANGES--INSTALLATION.

Every person, firm or corporation selling or offering for sale stoves, ranges, and/or other water heaters, where same is [illegible] with the water system of the City of Asheville, shall pay a license tax of, per annum----------$25.00

It shall be unlawful for any person, firm or corporation to install ranges, stoves, water heaters or other water heaters where the same is connected with the water system of the City of Asheville, unless such installation is made by a licensed plumber under the provisions of the plumbing ordinance.

STOVES.

See "Tea, Coffee and Spices."

SUPPLIES FOR TYPEWRITER MACHINES.

Agents or dealers in supplies for typewriter machines, shall pay a license tax of, per annum--$25.00

SURGEONS--VETERINARY.

Exempt by State Statute.

SWITCHBACK, RAILROADS OR ROLLER COASTERS.

See "Riding Devices."

SYRUP, TABLE.

Every person, firm or corporation manufacturing table syrup, shall pay as a license tax of, per annum:

Where employing one person----------$10.00
Where employing two persons----------15.00
There employing more than two persons----------25.00

"T"

TAILOR, MERCHANT.

See "Merchants, Tailors."

TAILOR MACHINES.

See "Organs, Pianos and Phonographs."

TAMBOURS.

Each, per annum----------$150.00

TEA, COFFEE AND SUGAR.

Every person, firm or corporation engaged in the business of selling tea, coffee and sugar, where 50% of the business is derived from the sale of tea, coffee and sugar, shall pay a license tax of, per annum----------$25.00

TELEGRAPH COMPANIES.

Every person, firm or corporation, domestic or foreign, engaged in operating the apparatus necessary to communication by telegraph within the corporate limits of the City of Asheville, shall pay a license tax of, per annum----------$50.00

TELEPHONE COMPANIES.

See Franchise Ordinance.

TEMPORARY STORES.

Every person, firm or corporation engaged in operating a temporary store as defined in Ordinance 183 within the City of Asheville shall make a deposit as an occupational tax to said City of Asheville for the use and benefit of said city in the sum of $200.00 in cash, and shall also pay the regular license tax under individual classifications. In lieu of the $200.00 cash deposit any such person shall be required to furnish a bond, subject to the approval of the Legal Department, in the sum of $200.00 payable to the City of Asheville.

PROVIDED, however, that said store remains open and operating for a period of twelve months within the corporate limits of the City of Asheville and then and in that event the $200.00 deposited as an occupational tax shall be refunded by the Tax Collector of the City of Asheville.

A temporary store shall be classed as under Section 2 of Ordinance 183 of the City of Asheville, except that same is hereby changed from One Hundred Eighty (180) days to twelve months period.

[illegible] AUTOS.

See "Autos."

[illegible] EXTERMINATORS.

Every person, firm or corporation engaged in operating a business of exterminating termites shall pay a license tax of, per annum----------$25.00

Provided, where a termite exterminator is licensed under some other classification the tax shall be, per annum----------$15.00

[illegible].

Every person, firm or corporation operating a theatre or opera house, other than moving picture theatres, where [illegible] exhibitions are given for profit, shall pay a license tax of, per annum--$212.50

[illegible] tax shall be charged for fortune tellers, clairvoyants, and similar crafts exploiting [illegible] of [illegible].

[illegible].

[illegible] "TRAILERS OR TRAVELLING VAUDEVILLE.

See "Traveling Moving Pictures."

[illegible].

See "Exhibitions, Entertainments, also Pictures."

[illegible].

Every person, firm or corporation engaged in the business of setting tile, shall pay a license tax of, per annum----------$10.00

[illegible] CONTRACTORS.

See "Contractors and Construction Companies."

[illegible].

See "Automobile Service Stations."

TITLE INSURANCE.

Every person, firm or corporation engaged in the business of guaranteeing or insuring titles, shall pay a license tax of, per annum----------$25.00

TOBACCO, CIGARETTES, ETC.

See "Cigars, Cigarettes", etc.

TOBACCO WAREHOUSE.

Every person, firm or corporation engaged in the business of operating a warehouse for the sale of leaf tobacco upon commission and occupying a floor space of more than fifteen thousand square feet, shall pay a license tax of, per annum, for each warehouse----------$50.00

With less than fifteen thousand square feet of floor space per annum, each warehouse--$25.00

NOT PRORATED.

TOILET ARTICLES.

See "Perfumes", etc.

TOILET ARTICLES--PEDDLERS OF.

See "Goods, Wares, and Merchandise."

TOMBSTONES AND MARBLE DEALERS.

See "Monuments."

TOURIST CAMPS.

See "Boarding Houses."

TOYS.

Every person, firm or corporation selling or distributing toys, shall pay a license tax of, per annum----------$5.00

NOT PRORATED.

TRADE SHOPS.

See "Printing Establishments."

TRADING STAMPS, DEVICES, ETC.

See "Devices."

TRANSFER COMPANIES.

See "Drays."

TRANSFER AND STORAGE WAREHOUSES.

See "Storage Warehouses."

TRAVEL AGENTS AND AGENCIES.

Every person, firm or corporation engaged in the business of conducting a travel or transportation bureau or agency, shall pay an annual license tax of,---------- $25.00

PROVIDED, this shall not apply to any agency of a charitable or religious [illegible] not for profit.

TRAVELING CIRCUSES.

See "Circuses."

TRAVELING THEATRICAL COMPANIES [illegible].

See "Pictures, Traveling."

TRUCKS OR REPAIRING ORGANS [illegible].

See "Organ and Piano Tuners."

"U"

UNDERTAKERS.

See "Caskets and Coffins."

UNIVERSAL REPAIRING.

Every person engaged in the business of repairing of automobiles, shall pay a license tax of, per annum:

If not more than one person is employed, per annum----------$ 5.00
If more than one person is employed, per annum----------10.00

UPHOLSTERING.

Every person, firm or corporation engaged in the business of upholstering or repairing furniture, shall pay a license tax of, per annum---------- 10.00

PROVIDED, this tax shall not be collected from persons, firms or corporations paying a tax in furniture stores.

USED PARTS--AUTOMOBILE EQUIPMENT.

See "Automobile Equipment--Used Parts."

"V"

VAUDEVILLE COMPANIES, TRAVELING THEATRICAL COMPANIES, ETC.

See "Moving Pictures." , also "Pictures."

VEHICLE OR WAGONS--ADVERTISING WITH.

See "Advertising."

VETERINARY SURGEONS.

Exempt by State Statutes.

VICTORIAS AND GRAPHOPHONES.

See "Organs, Phonographs", etc.

VULCANIZING.

See "Automotive Service".

"W"

WAGONS OR VEHICLES DRIVEN THROUGH STREETS WITH ADVERTISING SIGNS.

See "Advertising."

WALKING ABOUT STREETS DISPLAYING SIGNS.

Each and every person, firm or corporation delegating someone to walk about the streets and display, for the purpose of advertising, a sign or signs, shall pay a license tax of, per day----$2.00
Per week---------- 5.00

WASHING MACHINES.

Exempt by State Statutes.

WATERMELONS--SLICED OR CUT.

On each and every person, firm or corporation selling or offering for sale, sliced or cut watermelon, shall be paid a license tax of, per annum----------$10.00

NOT PRORATED.

The foregoing tax shall not be collected from restaurants or drug stores who have paid the prescribed tax, and all sales shall be subject to ordinances applicable to food handling establishments.

WEIGHING MACHINES.

See "Machines, Slot."

WELDING.

Every person, firm or corporation who makes repairs on anything by welding, shall pay a license tax of, per annum----------$25.00

WRECKING CRANES, DERRICKS, AND HOISTS.

See "Machinery."

WINDOW WASHING.

See "Business."

WINDOW WASHING.

Every person, firm or corporation, engaged in the business of washing windows, cleaning floors, or removing ashes therefrom, shall pay a license tax of, per annum:

Where employing one person----------$10.00
Where employing two persons----------20.00
Where employing more than two persons----------30.00

YARN.

See "Special Ordinance No. 241."

WOOD, KINDLING--CHEMICAL.

(a) Every person, firm or corporation selling wood for fuel purposes, shall pay a license tax of, per annum----------$5.00
(b) Every person, firm or corporation selling chemical kindling, shall pay a license tax of, per annum----------$50.00

WOOD YARDS.

Saw operated by power, per annum----------$15.00
Saw operated by hand, per annum----------5.00

PROVIDED, coal yards paying the $75.00 license tax are not required to pay this additional license for handling wood.

Coal yards paying only the $5.00 license tax shall pay for operating a power saw an additional tax of, per annum----------$10.00

WOOLEN MILLS.

Every person, firm or corporation operating a mill manufacturing woolen cloth, shall pay a license tax of, per annum----------$100.00

WRESTLING AND BOXING.

See "Games."

"Y"

YEAST.

Every person, firm or corporation selling or distributing yeast at wholesale, shall pay a license tax of, per annum----------$100.00

"MISCELLANEOUS"

ALL BUSINESSES, TRADES, PROFESSIONS, CALLS, CALLINGS, OR OTHER UNDERTAKINGS PROSECUTED FOR PROFIT, OR GAIN, NOT TAXED HEREIN.

Per annum----------$25.00
Per quarter----------15.00
Per month----------10.00
Per day----------3.00

Section 17

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or schedule, shall, upon conviction, be liable for a penalty of fifty ($50.00) dollars.

Section 18

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any tax heretofore levied or assessed, or the validity of any sales for taxes heretofore made, or any right heretofore acquired under any ordinance of this city.

I move the adoption of the foregoing ordinance, this 9 day of May, 1940.

L. Lyons Lee
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved, and adopted by the Council on first reading, 9 day of May, 1940 with all members of Council present voting "aye"; read, approved and adopted by the Council on second reading, 23 day of May, 1940 with all members of the Council present voting "aye"; and upon its third reading approved and adopted on 30 day of May, 1940, with all members of the Council present voting "aye". This ordinance shall become effective 15 day of June, 1940.

APPROVED AS TO FORM:

Holmes Bryson
MAYOR

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Glenn Morris
CITY CLERK

Dr. Russell Norburn appeared before the Council and thanked the Mayor and members of the Board for voting in favor of the [illegible] City.

There being no further business, the meeting was, upon motion, adjourned.

Glenn Morris
(illegible)

Mayor
Holmes Bryson

June 6, 1940--4:30 P. M.

The City Council met in regular session Thursday, June 6, 1940, at 4:30 P. M. with Mayor Bryson presiding. Present: Councilmen C. E. Starnes, C. R. Bamford, H. G. Etheridge, J. L. Wallace, Jr., Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Attorney Kenneth Lee filed claim for his clients L. L. Rhoades and wife, Mittie Rhoades, for alleged damages to real property in the sum of $750.00, which claim was ordered filed and referred to the Corporation Counsel and City Manager.

NORTH CAROLINA
BUNCOMBE COUNTY

TO THE HONORABLE MAYOR AND COMMISSIONERS OF THE CITY OF ASHEVILLE:

L. L. RHOADES and wife, MITTIE RHOADES, respectfully notify the governing body of the City of Asheville, a municipal corporation in said County and State, of the following claim and respectfully show as follows:

1.

That said claimants are citizens and residents of said City, County and State, and reside at No. 3 Delaware Road within the corporate limits of said City.

2.

That said claimants are the owners of the house and lot wherein they reside, which, as aforesaid, is known and designated as No. 3 Delaware Road.

3.

That the said Delaware Road is a street which is owned and exclusively controlled by the said City of Asheville.

4.

That the City of Asheville has failed and refused, and still fails and refuses, to maintain its said Street, to-wit Delaware Road, in a reasonably proper manner, in that it has failed to provide any adequate water drainage on the margins of said road, and that by reason of the crown contour of said road, which is unpaved, it has diverted the natural flow of surface water so that during and after ordinary rains or showers, said surface water is caused by said diversion to flow onto and over the premises of these claimants, and that during heavy rain storms, the said flow of water diverted onto these claimants' premises is heavy and has caused considerable damage to the property of these claimants, as hereafter set forth.

5.

That by reason of the matters and things hereinbefore set forth the surface water flow onto and over the property of these claimants has caused the foundation of claimants' house to crack and settle, thereby causing the entire house, or a part thereof, to settle, which has occasioned cracking of the plaster and warping of the floors, as well as causing other damage; that in addition to the damage hereinbefore set forth, said surface water has from time to time flooded the basement of the house and has caused excessive dampness, which in turn has caused the rotting and disintegration of the sills and supports of the first floor of said house.

6.

That these claimants desire only sufficient compensation to replace the damaged portions of their house to reasonably good condition, and for that reason make this claim, and further show that they have caused the premises to be inspected by J. H. Parris, a contractor, who has agreed to do the necessary work and furnish the necessary materials to properly repair said premises for the sum of Five Hundred and Eighty ($580.00) Dollars.

7.

These claimants respectfully show that the damages sustained by them have occurred over a continuing period of time and are still occurring, and that the condition of said Street, as hereinbefore set forth, is an unabated nuisance, and claimants further show that they have from time to time complained of said condition to the proper authorities of the said City of Asheville, but that, as aforesaid, the nuisance and the resulting damage to the property of these claimants is and remains unabated.

WHEREFORE, claimants respectfully demand payment of the sum of Seven Hundred and Fifty ($750.00) Dollars, and further that the City of Asheville cause the said Delaware Road to be re-

paired, cradel or otherwise conditioned so as to remedy the situation herein complained of.

This the 5th day of June, 1940.

H. Kenneth Lee
Attorneys for the Plaintiff.

NORTH CAROLINA)
BUNCOMBE COUNTY)

L. L. RHOADES, being first duly sworn, deposes and says:

That he has read, or heard read, the foregoing claim and knows the contents thereof; that the same is true within his own knowledge, except for those matters and things therein stated upon information and belief, and as to those matters he believes it to be true.

L. L. Rhoades
Affiant

Subscribed and sworn to before me, this the 5th day of June, 1940.

Nell Duncan
Notary Public-Buncombe
County, N. C.

My commission expires:
Mar. 28, 1941

(Seal)

The following claim of Mrs. John W. Neely for damages for personal injuries in the sum of Five Thousand ($5,000.00) Dollars was presented, and referred to the City Manager and Corporation Counsel:

TO THE CITY OF ASHEVILLE AND THE HONORABLE MAYOR AND
CITY COUNCILMEN OF THE CITY OF ASHEVILLE:

Mrs. John W. Neely, of the City of Asheville, County of Buncombe, State of North Carolina, hereby files her claim and notice of claim against the City of Asheville for damages for personal injuries to her, and shows that the claimant was injured on the 10th day of March, A. D. 1940, on College Street between Broadway and Market Street in the City of Asheville.

That the manner of the infliction of such injury was that there was a hole in the sidewalk with a pipe extending out in it negligently left and maintained by the said City into which this claimant stepped, through no fault of her own.

That by reason of the infliction of said injury, claimant suffered torn ligaments in her back and leg and serious sprains and bruises and other injuries to the back and leg and knee, and that the claimant has been seriously and permanently injured and claims damages in the amount of Five Thousand ($5,000.00) Dollars.

Mrs. John W. Neely

I hereby acknowledge receipt of the above notice.

P. M. Burdette, City Manager

Resolution authorizing Mayor to execute quit-claim deeds to W. E. Shuford was upon motion of Councilman L. Lyons Lee, seconded by Councilman O. E. Starnes, unanimously adopted as follows:

RESOLUTION

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS TO W. E. SHUFORD

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the years 1924 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
2582	R. V. Potts and F. B. Ingle	48	24	5	W. E. Shuford
1970	M. L. Maney et ux Ava G.	116	7	5	W. E. Shuford

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

L. Lyons Lee

SECONDED BY: O. E. Starnes

Read, approved and adopted, this 6 day of June, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business the meeting was, on motion, adjourned.

Glenn Morris
City Clerk

Mayor
Holmes Bryson

June 13, 1940--4:30 P. M.

The City Council met in regular session Thursday, June 13, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. M. Shelbliss, Jr., O. E. Starnes, Vice-Mayor L. Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Mayor Bryson announced that pursuant to authority vested in him by the City Council he had made the following appointments for the Housing Authority of the City of Asheville, N. C.:

Wayne Bramlett	1 year
A. T. Rust	2 years
Arthur E. Dunn	3 years
W. J. Damtoft	4 years
R. L. Ellis	5 years

He also announced that Mr. R. L. Ellis had been appointed Chairman, and Mr. W. J. Damtoft, Vice-Chairman.

Resolution authorizing the Mayor to execute quit-claim deed to Woodrow Rogers, was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO WOODROW ROGERS

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
1035	B. P. Wright	10½	15	3	Woodrow Rogers

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the

liability of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution,

C. M. Starnes
COUNCILMAN

SECONDED BY: H. C. Etheridge
COUNCILMAN

Read, approved and adopted, this 1st day of June, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor Holmes Bryson.

Glenn Morris
City Clerk

June 20, 1940--4:30 P. M.

The City Council did not hold its regular meeting on Thursday, June 20, 1940, because of a lack of a quorum.

Mayor

Glenn Morris
City Clerk

Thursday, June 27, 1940--4:30 P. M.

The City Council met in regular session Thursday, June 27, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilman H. C. Etheridge, C. M. Benford, J. E. Sivalbiss, Jr., and C. M. Starnes, City Manager F. M. Burdette, Corporation Counsel Philip C. Cocke, Jr. and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Resolution requesting the State Highway Commission to take over and maintain certain streets in the City of Asheville for the purpose of relieving congestion on the West Asheville Bridge during the proposed repairing of said bridge and the proposed construction of a new bridge across the French Broad River, was upon motion of Councilman Sivalbiss, seconded by Councilman Starnes, unanimously adopted, as follows:

RESOLUTION REQUESTING THE STATE HIGHWAY COMMISSION TO TAKE OVER AND MAINTAIN CERTAIN STREETS IN THE CITY OF ASHEVILLE FOR THE PURPOSE OF RELIEVING CONGESTION ON THE WEST ASHEVILLE BRIDGE DURING THE PROPOSED REPAIRING OF SAID BRIDGE AND THE PROPOSED CONSTRUCTION OF A NEW BRIDGE AND THE PROPOSED CONSTRUCTION OF A NEW BRIDGE ACROSS THE FRENCH BROAD RIVER

WHEREAS, the City Council of the City of Asheville deems it advisable to relieve the congestion on the West Asheville Bridge while said bridge is being repaired and during the time that a new proposed bridge is being constructed across the French Broad River; and

WHEREAS, to relieve said congestion it becomes advisable for the State Highway Commission of the State of North Carolina to take over and maintain certain streets in the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the State Highway Commission is hereby respectfully requested to take over, maintain and place suitable markers on the following streets in the City of Asheville to relieve temporary congestion:

(1) Beginning at a point at the city limits of the City of Asheville on what is known as Riverside Drive, thence along Riverside Drive all the way to Carrier's Bridge, thence over Carrier's Bridge to Meadow Road, and thence all the way along said Meadow Road to what is known as Biltmore Avenue, and being approximately 4.7 miles.

(2) Beginning at a point on the west side of Smith's Bridge, thence along and over Smith's Bridge to Craven Street, then along Craven Street to Haywood Road, thence along Haywood Road to Haywood Road.

(3) Beginning at a point at Carrier's Bridge, thence along Amboy Road to State Street, thence along State Street all the way to Haywood Road.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk immediately to the Chairman of the State Highway Commission at Raleigh, N. C.

BE IT FURTHER RESOLVED that the State Highway Commission of North Carolina is hereby requested to number the above mentioned city streets as State Highway No. 63.

I move the adoption of the foregoing resolution.

J. E. Sivalbiss, Jr.
COUNCILMAN

SECONDED BY: C. M. STARNES
COUNCILMAN

Read, approved and adopted, this 27th day of June, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing the City Manager to advertise certain City property for sale was upon motion of Councilman Etheridge, seconded by Councilman Bamford, unanimously adopted as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN CITY PROPERTY FOR SALE

WHEREAS, the City is the owner of certain property on Riverside Drive, being the old abandoned unit on what is known as the incinerator property; and

WHEREAS, certain offers have been made to the City Manager of the City of Asheville for the purchase of said property; and

WHEREAS, the City Council deems it advisable to offer to the highest bidder for cash at the Court House door the said property mentioned above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise the above property for sale in accordance with statute, and sell same at the Court House door to the highest bidder for cash. The City reserves the right to reject any and all bids.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted this 27th day of June, 1940.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

OF LOTS IN BLOCK "E" BELLARCO

Resolution authorizing the Mayor to execute quit-claim deeds to County of Buncombe for property known as Bellarco, recorded in Plat Book 2 at page 66, was upon motion of Councilman Etheridge, seconded by Councilman Starnes, unanimously adopted, as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS TO COUNTY OF BUNCOMBE

WHEREAS, the Board of Financial Control for Buncombe County acquired title to a number of pieces of property through liquidation of collateral security which belonged to the City of Asheville or the County of Buncombe, or both; and

WHEREAS, by an act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or held by said Board was transferred to the City of Asheville and the County of Buncombe as their interest may appear; and

WHEREAS, the records of the City of Asheville, the County of Buncombe and the Board of Financial Control reveal that the County of Buncombe is the sole owner of certain property, which property is known as Lots 6,7, and 8 and the northern part of Lots 9 and 10 of Block "E" as shown on plat of property known as "Bellarco", recorded in Plat Book 14 at page 22, and Lots 20 and 21 as shown on plat recorded in Plat Book 2 at page 66; and

WHEREAS, it has been pointed out that the records in the office of the Register of Deeds do not reveal the true ownership of said property and the County of Buncombe has requested the City of Asheville to execute quit-claim deeds for said property in order to clear up any question as to the ownership and title; and

WHEREAS, the City of Asheville does not own and claims no interest in the property above mentioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized to execute quit-claim deeds to Buncombe County for the property above mentioned.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

C. R. Starnes
COUNCILMAN

Read, approved and adopted this 27 day of June, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

LAUREL PARK ANNEX LOTS

Resolution authorizing the City Manager to advertise certain property for sale, was upon motion of Councilman Etheridge, seconded by Councilman Bamford, unanimously adopted as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN PROPERTY FOR SALE

WHEREAS, the City of Asheville and the County of Buncombe are joint owners of Lots 7 and 8, Block 5, Lots 1 and 2, Block 6, Lot 5, Block 7, in Laurel Park Annex in Henderson County and also certain lots in the G. A. Turner subdivision in Henderson County, as set out in a letter from Thos. H. Franks, Attorney at Law, dated April 5, 1940; and

WHEREAS, certain offers having been made to the City Manager by interested purchasers; and

WHEREAS, the County of Buncombe is agreeable to sell its seven twenty-fifths interest in said lots;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville's eighteen twenty-fifths interest in the property above referred to be advertised in a newspaper published in Henderson County according to law.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 27 day of June, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

LIGHT REQUESTED AT WEST CT. AND HILLSIDE ST.

Petition was presented by residents on West and Hillside St. requesting a light to be placed at the corner of West and Hillside Sts. This request was referred to the City Manager.

[illegible] OF JUDGE [illegible]

A group of citizens from West Asheville, headed by Don C. Young, Attorney, protested to the City Council the action of Judge Marshall Orr, substitute police court Judge for allowing two Attorneys to criticize 4 West Asheville men who had gone to Court at the invitation of Judge Orr, to offer their moral support to the court in cases arising out of the arrest of men in West Asheville on lottery and liquor charges.

As the regular meeting of the City Council falls upon July 4, which is a Holiday, motion was made by Councilman Etheridge, seconded by Councilman Divelbiss, that the regular meeting be held on Wednesday, July 3. It was so ordered.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.

Wednesday, July 3, 1940--4:30 P.M.

The City Council met in regular session Wednesday, July 3, 1940, with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager J. L. Cathey, and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Ordinance No. 266, an Ordinance amending Ordinance #265, being, "AN ORDINANCE LEVYING AD VALOREM TAXES FOR THE PURPOSE OF RAISING THE GENERAL AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1940, AND ENDING MAY 31, 1941." was presented. A roll call was taken, and Councilman Etheridge voted "aye", Councilman Starnes voted "aye", Councilman Lee voted "aye" and Mayor Bryson voted "aye". The Ordinance was unanimously passed on its first reading.

Resolution authorizing the Director of Finance to execute lease to Patriots, Incorporated, was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously passed.

RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO EXECUTE LEASE TO PATRIOTS, INC.

WHEREAS, the lease to the PATRIOTS, INCORPORATED for the baseball park has expired; and

WHEREAS, the City Council and the PATRIOTS, INCORPORATED are desirous of entering into a new lease for continuing baseball in the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Director of Finance is hereby authorized to execute a lease to the Patriots, Incorporated for McCormick Field for a period from the 31st day of December, 1940 until and including the 31st day of December, 1945, and that said lease is attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 3 day of July, 1940.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

AGREEMENT WITH ST. LOUIS NATIONAL BASEBALL CLUB OF ST. LOUIS, MISSOURI, was upon motion of Councilman Etheridge, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO EXECUTE AGREEMENT WITH ST. LOUIS NATIONAL BASEBALL CLUB OF ST. LOUIS, MISSOURI.

ST. LOUIS, MISSOURI

WHEREAS, the City Council having authorized the City Manager to execute a lease with the Patriots, Incorporated for baseball park for the purpose of continuing baseball in the City of Asheville; and

WHEREAS, the St. Louis National Baseball Club of St. Louis, Missouri is desirous of taking full responsibility of all repairs and maintenance under all financial payments set out in the lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Director of Finance is hereby authorized to enter into an agreement with the St. Louis National Baseball Club of St. Louis, Missouri, and that said agreement is attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 3 day of July, 1940.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Mayor Bryson introduced Mr. J. L. Whitlock, a former resident of this city.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.
Holmes Bryson

Thursday, July 11, 1940--4:30 P. M.

The City Council met in regular session Thursday, July 11, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen O. E. Starnes, C. R. Bamford, H. G. Etheridge, City Manager P. A. Charlotte, and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Ordinance No. 270, entitled, "An Ordinance Amending Ordinance No. 265, being An Ordinance Levying, Assessing, Imposing and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal Year Beginning June 1, 1940 and Ending May 31, 1941," was passed on its second reading with the following vote:

Councilman Starnes voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", and Mayor Bryson voted "aye".

Resolution authorizing the City Manager to use as a temporary budget for the month of July, 1940, the sum of $60,000, was upon motion of Councilman Etheridge, seconded by Councilman Starnes, unanimously adopted.

RESOLUTION AUTHORIZING THE CITY MANAGER TO USE AS A TEMPORARY BUDGET FOR THE MONTH OF JULY, 1940, THE SUM OF $60,000.

WHEREAS, the new budget for the City of Asheville for the fiscal year 1940-41 has not been absolutely completed; and

WHEREAS, it is necessary for the City of Asheville to have funds with which to operate for the month of July, 1940;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized and directed to use for the operating expenses of the City of Asheville the sum of $60,000 for the month of July 1940, subject to the approval of the Local Government Commission at Raleigh, North Carolina, a copy of this resolution to be sent to the above mentioned Commission.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 11th day of July, 1940.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

Mayor.

Glenn Morris
City Clerk.

Thursday, July 18, 1940--[illegible]

The regular [illegible] City Council [illegible], Councilmen, [illegible], [illegible], [illegible], [illegible], in the absence of a [illegible].

Glenn Morris
City Clerk

Mayor

Thursday, July 25, 1940--4:[illegible] P. M.

The City Council [illegible] in regular session Thursday, July 25, 1940, at [illegible] P. M., with Mayor Bryson presiding. Present: Councilmen [illegible], Corporation Counsel Philip [illegible], City Manager [illegible], Lyons Lee, and Mayor Holmes Bryson.

Minutes of the [illegible] meeting were read and approved.

Ordinance No. [illegible], entitled, "AN ORDINANCE AMENDING [illegible] ORDINANCE NO. 265, BEING AN ORDINANCE LEVYING, [illegible], IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1940 AND ENDING MAY 31, 1941", was put on its third and last reading with the following vote:

Councilman [illegible] voted "aye", Councilman Starnes voted "aye", Councilman [illegible] voted "aye" and Mayor Bryson voted "aye".

The Ordinance was ordered published, and will become effective June 14, 1940.

ORDINANCE NO. 266

AMENDING ORDINANCE NO. 265, ENTITLED "AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1940, AND ENDING MAY 31, 1941."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Ordinance No. 265 be and the same is hereby amended by striking out the number "1.50" in sub-section (3) under "Auto, Bus, AND TRUCK DEALERS" after the word "Chevrolet" and inserting in lieu thereof the number of "2.50".

Section 2. That this Ordinance shall become effective 10 days after date of publication.

I move the adoption of the foregoing Ordinance, this 25 day of July, 1940.

J. Lyons Lee

SECONDED BY: [illegible]

Read, approved and adopted, this 25 day of July, 1940, to become effective the 14th day of August, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

[illegible]

Upon motion of Vice-Mayor Lyons Lee, seconded by Councilman Etheridge, request was made to appoint a committee to draw suitable resolution on the passing of Councilman Garland, to be presented at the next meeting of the City Council.

Mayor Bryson appointed the following committee:

Vice-Mayor Lyons Lee
C.R. Starnes
H. G. Etheridge

. . . . , the Chamber of Commerce, with members of its Board of . . . . . present the Chamber of Commerce's report . . . . . Mr. L. V. Lee, followed Mr. Booth with remarks . . .

. . . . . Commissioner L. J. Perry, Mr. J. F. Dawson, Mr. L. L. . . . . F. Cockerham, Jr., Mr. Fortune Patterson, and Mr. T. W. . . . .

. . . . . The meeting was upon motion adjourned.

Glenn Morris
City Clerk

. . . . . Thursday, August 1, 1940--4:30 P. M.

. . . . . regular session Thursday, August 1, 1940, at 4:30 P. M. . . . . Councilmen J. L. Shelbiss, Jr., C. B. Garland, ... Commissioner L. V. Burdette, Corporation Counsel . . . . . Jr., and Superintendent Ryan.

. . . . . minutes were read and approved.

. . . . . Chairman of a committee appointed by Mayor Bryson to draw . . . . . Councilman Garland, read the following resolution:

. . . . . RESOLUTION

. . . . . OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE . . . . . OF EUGENE CARLAND

. . . . , on the 14th day of July, 1940 Eugene Carland passed away in the . . . . of Asheville, North Carolina, and at the time of his death he was a member of the . . . . body of this municipality; Mr. Carland had been in ill health for some three . . . . prior to his death, but nevertheless his passing was a stunning blow to each . . . . of the City Council, for in his work with us he was always congenial, conscientious, ... by the interest of the City of Asheville as his first thought; and

. . . . , he always held in his five years of service the respect and . . . . of all his fellow councilmen, and the members of this body sought Mr. Carland's . . . . advice and were guided in positions that came before them; and

. . . . , in his life as a public servant Mr. Carland had the confidence . . . . of all those who came in contact with him; the general public knew Mr. Carland . . . . as a man with the courage of his convictions, faithful, honest, and of the highest . . . . , and knew that he gave his all to everything he undertook, always in a dignified . . . . manner; the City of Asheville will miss Eugene Carland, and we . . . . members of the governing body are deeply grieved at his passing;

. . . . , BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF . . . . :

. . . . each member of this governing body, individually and as a body . . . . to Mr. Carland's family his deepest regret and sympathy at his passing, and . . . . copy of this resolution is hereby ordered spread upon the minutes, a copy sent . . . . , and a copy to the family of Mr. Carland.

. . . . the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

. . . . . SECONDED BY: C. B. Starnes
COUNCILMAN

. . . . , approved and adopted, this 1st day of August, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

. . . . . AS TO FORM:
Philip D. Hawke, Jr.
. . . . . Counsel

A letter was read from the family of Mr. Carland expressing thanks for flowers sent and kindness shown the family.

. . . . . Resolution authorizing Mayor to execute quit-claim deed to property . . . . . was upon motion of Councilman . . . . , seconded by Councilman . . . . , and unanimously passed as . . . . follows:

. . . . . RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED . . . . . OF BUNCOMBE

. . . . , the Board of Financial Control for Buncombe County received title . . . . to a number of . . . . property through liquidation of collateral security which . . . . belonged to the . . . . Asheville or the County of Buncombe, or both; and

. . . . , the Act of the General Assembly of North Carolina the Local . . . . Financial Control Act, established and all of the property owned or held by said Board . . . . was transferred to the City of Asheville and the County of Buncombe as their interest . . . . may appear; and

. . . . , the records of the City of Asheville, the County of Buncombe and the . . . . Board of Financial Control reveal that the County of Buncombe is the sole owner of . . . . certain property, which property is located in Fairview Township, Buncombe County, ... North Carolina, on the south side of the Asheville-Fairview Highway, west of Pile . . . . Hole Gap, and being a part of the Thomas Garwood lands, containing . . . . acres, and being described in a deed recorded in book 474 at page 171; and

. . . . , it has been pointed out that the records in the Office of the . . . . Register of Deeds do not reveal the true ownership of said property and the County of . . . . Buncombe has requested the City of Asheville to execute quit-claim deeds for said . . . . property in order to clear up any question as to the ownership and title; and

. . . . , the City of Asheville does not own and claims no interest in the . . . . property above mentioned;

. . . . , BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

. . . . That the Mayor be and he is hereby authorized to execute quit-claim deeds to . . . . Buncombe County for the property above mentioned.

. . . . the adoption of the foregoing resolution.

. . . . L. Lyons Lee

. . . . . Seconded by: . . . . J. L. Shelbiss, Jr.

. . . . , approved and adopted this 1 day of August, 1940.

. . . . Holmes Bryson
MAYOR

. . . . Glenn Morris
. . . . . CITY CLERK

. . . . . APPROVED AS TO FORM:
Philip D. Hawke, Jr.
. . . . . CORPORATION COUNSEL

. . . . .

. . . . .

Resolution adopting the budget for the City of Asheville for the fiscal year beginning July 1, 1940 and ending June 30, 1941, was upon motion of Councilman Garland, seconded by Councilman Lee, unanimously adopted as follows:

RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1940 AND ENDING JUNE 30, 1941.

WHEREAS, the City Manager of the City of Asheville presented to the City Council this the 1st day of August, 1940 the operating and debt service budget for the City of Asheville for the fiscal year beginning July 1, 1940 and ending June 30, 1941, and the budget as presented shows the amount to be expended for the operation of the various departments of the City of Asheville and the amount to be expended for debt service as follows:

(a) General Government	$182,192.56
(b) Law	19,000.00
(c) Finance	21,915.00
(d) Public Welfare	44,802.00
(e) Public Safety	274,845.00
(f) Libraries	30,000.00
(g) Civil Service	480.00
(h) Public Works	235,453.56
(i) Parks and Playgrounds	51,761.40
(k) Engineering	6,560.00
Operating deficit from 39-40	15,000.00
Total operating	$ 822,506.12

...ervice

...rincipal and Interest

...eneral Refunding Bonds-Series
1 ... 330,000.00
...eneral Refunding Bonds - Series
... 8,740.00
Water Refunding Bonds 200,000.00
...ment Public Notes 14,300.00

Total debt service 553,040.00

Total appropriations $ 1, 375,540.12

... ... CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the budget as presented to the City Council by the City Manager on the 1st day of August, 1940 covering the City of Asheville operating and debt service appropriation, as outlined above, the total being $1,375,540.12, be approved and the same is hereby adopted as the budget of the City of Asheville for the fiscal year 1940-1941.

I move the adoption of the foregoing resolution.

C. B. Bamford
COUNCILMAN

SECONDED BY: L. LYONS LEE
COUNCILMAN

Read, approved and adopted this 1st day of August, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
Corporation Counsel.

There being no further business, the meeting upon motion, adjourned.

Glenn Morris
City Clerk

Thursday, August 8, 1940--4:30 P. M.

There was no meeting of the City Council on August 8, 1940, because of lack of a quorum.

Glenn Morris
City Clerk

Thursday, August 1, 1940--4:30 P. M.

The City Council ... in regular session Thursday, August 1, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Vice-Mayor Lyons Lee, ... Bamford, ... Marrion, ... Stearns, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Minutes of the ... meeting were read and approved.

Cards were read from the family of Dr. W. A. Cocke, and Mrs. T. H. Bishop, expressing appreciation for expressions of sympathy.

...

An ordinance adopting and appropriating the operating budget of the City of Asheville for the fiscal year 1940-41 was upon motion of Councilman Marrion, seconded by Councilman Lee, put upon its first reading with the following vote:

Councilman Lee voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Stearns voted "aye" and Mayor Bryson voted "aye".

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

Thursday, August 22, 1940--4:30 P. M.

The City Council met in regular session Thursday, August 22, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen C. A. Etheridge, C. B. Bamford, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

...

Resolution authorizing the Mayor to execute quit-claim deed to M. F. Meredith was upon motion of Councilman Bamford, seconded by Councilman Lee, unanimously passed, as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO M. F. MEREDITH

WHEREAS, The City acquired through tax foreclosure proceedings certain deeds of title for numerous pieces of property for the year 1933; and

WHEREAS, the General Assembly of North Carolina at its 1939 session passed a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being Chapter 310 of the Public Laws of 1939 ratified March 21, 1939 gives any governmental unit which has obtained title to property under the power or authority to reconvey to the original owner said property upon the payment of the taxes, plus all interest and $5.00 costs, without advertising or sale; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	BLOCK	YEAR	DEED GIVEN TO
1706	W. F. Cothran & wife Sarah	85, 86	C	5	M. F. Meredith

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. B. Bamford
COUNCILMAN

L. LYONS LEE
COUNCILMAN

[illegible], [illegible] adjourned this 5th day of August, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

[illegible]:

[illegible]

Mr. Junius Cowper, Attorney, presented claim of Mrs. Gladys Burns, who is suing [illegible], and the notice to the City that the City of Asheville would be made a party-defendant in said suit. This claim was referred to the City Manager and Corporation Counsel.

IN THE CITY COUNCIL AND ON BEHALF OF THE CITY OF ASHEVILLE

TAKE NOTICE that Mrs. Gladys Burns claims to have fallen on the sidewalk in front of The Jax Pax Store located at the corner of Patton Avenue and Otis Street, at a point directly in front of the door of said Jax Pax Store, and claims to have suffered severe injuries by reason of such fall, and further claims that her said fall was caused by reason of the sidewalk being in a broken and unsafe condition. As a consequence thereof, Mrs. Gladys Burns, as plaintiff, has instituted an action against Jax Pax Stores, Inc., defendant, in which she alleges that she was an invitee of the Jax Pax Stores, Inc., and that the Jax Pax Stores, Inc., was negligent in not having the sidewalk in front of its store in a reasonably safe condition; and for a more detailed statement of the contentions of the said Mrs. Burns a copy of the complaint filed in said suit is attached hereto and made a part hereof.

TAKE FURTHER NOTICE that the place where Mrs. Burns claims to have fallen is a portion of the sidewalk, and that if such sidewalk was in an unsafe condition, it was due to the negligence of the City of Asheville in negligently failing and neglecting to properly build sidewalk or to keep same in a safe condition; and that if the Jax Pax Stores, Inc. is liable to Mrs. Burns in any manner whatsoever, then and in that event the Jax Pax Stores, Inc., is entitled to recover over against the City of Asheville any such sums as it has to pay out by reason of the said injury. The said accident is claimed to have happened on the 7th day of June, 1940. The manner in which it is claimed said accident occurred is as set forth in the annexed complaint. The amount of damages sought is Six Thousand ($6,000.00) Dollars, on account of the injuries set forth in the annexed Complaint.

TAKE FURTHER NOTICE, That Jax Pax Stores, Inc., hereby makes claim for idemnification for any sum which it is required to pay out to Mrs. Gladys Burns, and hereby demands that the City of Asheville make itself a party-defendant to said suit; and Jax Pax Stores, Inc., further claims that if it is liable at all, it is only secondarily liable to the City of Asheville, which is primarily liable, and that the City of Asheville should defend said suit and pay any judgment recovered therein.

This the 14th day of June, 1940.

Jax Pax Stores, Inc.

By J. M. Horner, Jr.
Attorney.

Ordinance No. 267, entitled, "An Ordinance Adopting and Appropriating the Operating Budget of the City of Asheville for the Fiscal Year 1940-1941" was put on its second reading with the following vote:

Councilman Etheridge voted "aye", Councilman Branford voted "aye", Councilman Lee voted "aye", and Mayor Bryson voted "aye".

Mr. T. Chows of Bee Tree valley, asked the Council for consideration in establishing better control of the Bee Tree impounding dam in times of heavy rains and floods. He said crops were destroyed recently on account of the water from the dam being allowed to flood the valley, instead of the Johnson valve being opened when the rains become prolonged and an overflow apparent. He also asked that the reckless driving of Superintendent Walter Parks be investigated.

This complaint was referred to the City Manager.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

Thursday, August [illegible], 1940--4:30 P. M.

The City Council was [illegible] to order by Vice-Mayor Lyons Lee, Thursday, [illegible], with Councilmen H. G. Etheridge, [illegible] ford, City Manager P. M. Burnette, and [illegible] Locke, Jr., present, but the meeting was adjourned for a lack of a quorum.

L. Lyons Lee
Vice-Mayor.

Glenn Morris
City Clerk

Thursday, September 5, 1940--4:30 P. M.

The City Council met in regular session Thursday, September 5, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, J. M. Branford, O. E. Starnes, City Manager P. M. Burnette, Corporation Counsel Philip T. Locke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

[illegible]

Ordinance No. 267, entitled, "An Ordinance Adopting and Appropriating the Operating Budget of the City of Asheville for the Fiscal Year 1940-41" was put on its third and final reading with the following vote:

Councilman Divelbiss voted "aye", Councilman Starnes voted "aye"
Councilman Etheridge voted "aye", Councilman Branford voted "aye",
Vice-Mayor Lee voted "aye", and Mayor Bryson voted "aye".

The ordinance was ordered published, and will become effective September 23, 1940.

ORDINANCE NO. 267

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1940-1941.

WHEREAS, on the 1st day of August, 1940 the City Council of the City of Asheville adopted an operating budget in the amount of $822,506.12 with a debt service of $553,040.00, making a total appropriation of $1,375,546.12;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following operating budget is hereby adopted and the amounts indicated herein appropriated for the operation of the different departments of the City of Asheville for the fiscal year beginning July 1, 1940 and ending June 30, 1941, inclusive:

(a)	General Government	$ 132,192.56
(b)	Law	19,096.00
(c)	Finance	21,915.00
(d)	Public Welfare	44,802.00
(e)	Public Safety	274,845.60
(f)	Libraries	20,000.00
(g)	Civil Service	480.00
(h)	Public Works	235,853.56
(i)	Parks and Playgrounds	51,761.40
(j)	Engineering	6,560.00
	Operating deficit from 1939-40	15,000.00
	Total operating	$ 822,506.12
	Debt Service	
	Principal and Interest	
	General Refunding Bonds-Series 1	330,000.00
	General Refunding Bonds-Series 2	8,740.00
	Water Refunding Bonds	200,000.00
	Judgment Funding Notes	14,300.00
	Total debt service	553,040.00
	Total appropriations	$ 1,375,546.12

...per $1.00 valuation upon all property of every nature ... ($.0808 per $100.00 valuation for debt service, ... per $1.00 valuation for operating expenses) be and the same is hereby levied, and ... is in accordance with law for the fiscal year 1940-41, as aforesaid.

... the Director of Finance of the City of Asheville is hereby authorized ... for the operation of the departments of the City of Asheville and ... as aforesaid.

... ordinance, this 15 day of August, 194...

H. G. Etheridge
COUNCILMAN

L. LEONS LEE
COUNCILMAN

... 5 day of September, 1940, to become effective ...

Bolues Bryson
MAYOR

Glenn Morris
CITY CLERK

...

... Clerk.

... motion, the meeting was upon motion, adjourned.

Mayor.

Glenn Morris
City Clerk

... September 12, 1940--1:30 P. M.

... session, Thursday, September 12, 194..., with ... present: Councilmen H. G. Etheridge, Jr., O. L. Starnes, ... Brown, Vice-Mayor Lee, City Manager P. M. Burnette, Attorney ... Clerk, and Mayor Bryson presiding.

... minutes of the previous meeting were read and approved.

... of the vacancies that would occur in the ... Board of Aldermen by reason of ... Leland. Upon motion of Councilman H. G. ... Jr., seconded by Councilman O. L. Starnes, the name of Mr. C. Fred Brown was ... before the Council, and he was unanimously elected to fill this vacancy.

Mr. Brown expressed his appreciation of the honor of being elected to the City Council, and said he would endeavor to serve the City to the best of his ability.

... in connection with the duties of office, and Councilman Brown was asked to take a seat with the Council.

... presented Ordinance No. 208, entitled, "AN ... TO PROVIDE FOR THE ... OF $300,000 ... BONDS" and moved its passage on its first reading with the following vote:

Councilman Brown voted "aye", Councilman Rumford voted "aye", Councilman Etheridge voted "aye", Vice-Mayor Lee voted "aye", Councilman Hivelbiss voted "aye", Councilman Brown voted "aye", and Mayor Bryson voted "aye".

... business, the meeting was upon motion adjourned.

Mayor.

Glenn Morris
City Clerk

... the City Council ... Councilmen ... Vice-Mayor Lyons Lee presiding. ... Councilman O. L. Starnes, ... Brown, ... Etheridge, ... Rumford, C. Fred Brown, ... Vice-Mayor Lyons Lee, and Mayor ... Bryson.

... minutes of the ... meeting were read and approved.

... Ordinance No. ..., entitled, "AN ... TO LICENSE ... AND ... AND TO PROVIDE ... REVOLVER OR SUCH LICENSE", was ... reading, but upon motion of Vice-Mayor Lee, seconded by Councilman Brown, the third and ... were postponed for one week.

... Mayor Bryson ... that the Council had been considering for some time the ... plan, and would like to appoint a committee to take some definite action. He appointed the following committee:

Councilman ... Hivelbiss
" ... Brown

... Mayor Bryson appointed on an Armory Committee the following:

Vice-Mayor Lyons Lee
Councilman H. G. Etheridge
" O. L. Starnes

There being no further business, the meeting was upon motion, adjourned.

Mayor.

Glenn Morris
City Clerk

...or ..., ... to issue ... license.

... a license, the City Manager ... shall be issued until the license fee ... prorated in the manner ... to operate a billiard hall for the ... year. ... license, the specific place where the ... to be operated thereon, and the ... license shall be effective only for the ... location of the license.

... in a suitable manner to the ... whole or such license ... from ... place is ... from or ... visible ... by ...

... to ... license or to ... a ... license has been or is to be issued or to knowingly ... or ... employed by any person who has been ... license.

... or for an employee of the licensee:

(1) ... suffer or permit ... people ... required by the license ... connected therewith.

(2) ... to become disorderly.

(3) ... any baseball pool, ... board, ... or other device ... place ... or other place appurtenant ... such place ... permit.

(4) ... or twenty-one years of age to enter or remain ... such billiard hall.

(5) ... to remain open between the hours of ... and ..., inclusive.

(6) ... the business of such billiard hall, any person ... employed.

... It shall be no defense ... that the premises ... during the prohibited hours ... a ..., or ...

... for any of the provisions of this ordinance ..., automatically ... a revocation of the license, and the ...

... for cause, and on such reasonable notice ... as it may prescribe, revoke a license ... Such revocation shall be final, and if the license of any ... be revoked, for any cause ... revocation no license shall be granted ... such person or to any partnership or corporation in which such person is a member, officer or stockholder.

... When a license ... lost, or when it can be shown ... application for the license ... shall ... in any particular, the Chief Executive of the City shall institute ... action on the ... bond ... and shall be conclusively presumed to be liquidated damages.

... When a license ... lost or destroyed, a duplicate shall be issued by the City Council on the payment of $...

... The name of the person operating the billiard hall must be at all times conspicuously displayed at the entrance of such billiard hall and in the event the licensee is a corporation, the name of the corporation must be displayed including the name of the corporation and the names of the president, secretary-treasurer and manager thereof and in the event of a partnership, the names of all the co-partners.

... Illinois or other thing is expressly prohibited within any billiard hall.

... It shall be unlawful to operate a billiard hall anywhere within the City of Vandalia except within the districts as hereinafter defined:

... DISTRICT NO. 1

Beginning at the intersection of Market Street, and Hilliard Avenue, and thence along Market Street to the intersection of South Spruce Street; thence with South Spruce Street to Eagle Street; thence along ... side of ... Division Street; thence along Davidson Street to College Street; thence ... with ... on College ... to Spruce Street; thence along Spruce Street northwardly to Woodlin Street; thence westwardly along Woodlin Street to Lexington Avenue; thence crossing Lexington Avenue to Pleasant Street; thence along Pleasant Street to Flint Street; thence along Flint Street to Maywood Street; thence westwardly along Maywood Street to a point opposite the center of the intersection of Grand Road Avenue and Maywood Street; thence southwardly and continuing along the center line of ... Avenue to a point 150 feet southwardly from Patton Avenue; thence eastwardly along a line parallel with Patton Avenue and 150 feet southwardly therefrom to the center line of Ashland Avenue; thence southwardly along the center line of Ashland Avenue to a point 150 feet south (of the first ... street intersecting Ashland Avenue on the east side); thence eastwardly along parallel with (aforesaid street unnamed) and 150 feet southwardly therefrom to a point 150 feet west from Coxe Avenue; thence southwardly along a line parallel with Coxe Avenue and 150 feet westwardly therefrom, crossing Hilliard Avenue to a point 150 feet south therefrom and continuing eastwardly along a line parallel with Hilliard Avenue and 150 feet southwardly therefrom to Market Street; thence with Market Street to the point of the beginning.

...

...

...

[illegible] Councilman [illegible] introduced the following resolution, and moved its adoption:

[illegible] Councilman [illegible] seconded the motion, and the resolution was adopted by the following vote:

[illegible] the following resolution.

[illegible] Watson
[illegible]

[illegible] L. Lyons Lee
[illegible]

[illegible] October, 1940.

[illegible] Watson
[illegible]

[illegible] Morris
[illegible]

[illegible]

[illegible], the motion was upon motion seconded.

Johnson Bryson
Mayor.

Glenn Morris
City Clerk

[illegible], October 17, 1940--4:30 P. M.

[illegible] Thursday, October 10, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen H. S. Etheridge, C. Fred Brown, W. E. Hamby, [illegible] Attorney, Assistant Counsel Philip C. Cooke, Jr., and Mayor Johnson Bryson.

The minutes of the previous meeting were read and approved.

[illegible] Councilman Etheridge moved that a quit-claim deed to V. C. Iyer be made, this [illegible] Councilman Brown, seconded by Councilman Etheridge, unanimously passed the following:

[illegible] QUIT-CLAIM DEED
[illegible]

WHEREAS, the City acquired through tax foreclosure proceedings certificate [illegible] for numerous pieces of property for the year 1934; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real [illegible] authority to reconvey to the original owner said property upon the payment of [illegible] taxes, plus 6% interest and $6.00 costs, without advertising [illegible]; and

WHEREAS, the following property was sold at private sale:

[illegible]	[illegible]	LOT	SHEET	WARD	NAME DEED TO
1934	[illegible] Terrell	4	C	5	V. C. Iyer and wife, [illegible] Iyer

[illegible] Johnson Bryson
Mayor.

Glenn Morris
[illegible]

[illegible]

[illegible] Councilman [illegible] moved that the ordinance be [illegible] Councilman Brown, seconded the motion, and the ordinance was passed [illegible] vote:

AN ORDINANCE [illegible] OF THE HOUSE [illegible] FOR LIEN OF [illegible]

First reading, [illegible] reminded by motion of Councilman [illegible], seconded by Councilman [illegible], because [illegible] Philip C. Cooke, Jr., [illegible] Ordinance would [illegible] a law before [illegible]

[illegible]

Johnson Bryson
Mayor.

Glenn Morris

Tuesday, October 24, 1940--1:30 P.M.

[illegible] City Council [illegible] Tuesday, October 24, 1940, at 4:30 P. M., with [illegible] Mayor Bryson presiding. [illegible] Councilmen [illegible], J. L. Lyons Lee, H. G. Etheridge, [illegible], Glenn Morris, City Clerk, and [illegible] Burnette, Corporation Counsel Philip C. Cocke, Jr., [illegible] Corporation Counsel.

[illegible] the following [illegible] proposal.

[illegible], Councilman [illegible], "I move [illegible] and declaring that there exist in the [illegible] certain [illegible] and insanitary conditions, nuisances, annoyances and [illegible] to the health, safety, morals and welfare of the residents of the City" was put on [illegible] Councilman Etheridge [illegible] the following vote:

[illegible] voted "aye", Councilman [illegible] voted "aye", Councilman Morris voted "aye", Councilman [illegible] voted "aye", Councilman Lee voted "aye", [illegible] voted "aye" Vice-Mayor Lyons Lee voted "aye", and Mayor Bryson voted "aye".

[illegible], Ord. [illegible], "[illegible] Ordinance No. 265, Page [illegible]" was [illegible] its first reading and unanimously passed with the following vote:

[illegible] voted "aye", Councilman [illegible] voted "aye", Councilman [illegible] voted "aye", Councilman [illegible] voted "aye", Councilman Etheridge voted "aye", Councilman Morris voted "aye", and Mayor Bryson voted "aye".

[illegible] No. 5, [illegible], "[illegible] TO PROVIDE FOR ORDER AND SAFETY, ALL [illegible] [illegible], [illegible] TRAFFIC ON [illegible] AND [illegible] CODIFIED ORDINANCES OF [illegible], AND [illegible] PENALTY FOR THE VIOLATION [illegible] PROVISIONS OF ARTICLE [illegible], AND [illegible] THEREOF, AND [illegible] THE [illegible] CODIFIED ORDINANCES [illegible]." was [illegible] and unanimously passed with the following vote:

[illegible] voted "aye", Councilman [illegible] voted "aye", Councilman Etheridge voted "aye", Councilman [illegible] voted "aye", Councilman [illegible] voted "aye", Councilman Morris voted "aye", and Mayor Bryson voted "aye".

[illegible] to execute quit-claim deed to George Davis Fleming [illegible] Councilman [illegible], seconded by Councilman Etheridge, unanimously passed as follows:

[illegible]

[illegible] TO EXECUTE QUIT-CLAIM DEED TO GEORGE DAVIS FLEMING

[illegible], the City acquired a [illegible] tax foreclosure proceedings [illegible] certificates of [illegible] for [illegible] the year 1929; and

[illegible], the General Assembly of North Carolina at its 1935 session enacted [illegible] tax relief bill; and

[illegible], Section 4 of said tax relief Bill, being House Bill 727 ratified [illegible] April 21, 1937 [illegible] governmental unit which has obtained title to any real property [illegible] the power and authority to reconvey to the original owner said property upon the payment of [illegible] the taxes, costs, interest and penalties [illegible] cost, without advertising same; and

[illegible], the following property was sold at private sale:

[illegible]	[illegible]	LOT	STREET	WARD	[illegible]
[illegible]	[illegible]	243	2	5	George Davis Fleming

[illegible], and [illegible] BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

J. Lyons Lee
Councilman

SECONDED BY: H.G. Etheridge
Councilman

Read, approved and adopted, this 24 day of October, 1940.

Holmes Bryson
Mayor

Approved as to form:
Philip C. Cocke, Jr.
Corporation Counsel

Glenn Morris
City Clerk

[illegible] authorizing [illegible] to execute quit-claim deed to [illegible] Councilman [illegible], seconded by Councilman [illegible] unanimously adopted as follows:

[illegible]

WHEREAS, [illegible] the 31st day of August, 1939 the City of Asheville sold at the court house door of Buncombe County to Rebecca Foran certain property hereinafter described, which property had been advertised by The Asheville Times, a newspaper published in the City of Asheville, as required by law, said Rebecca Foran being the highest bidder for said property, said bid being in the amount of $100.00; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a deed, attested by the City Clerk, to Rebecca Foran conveying the following described tract of land:

Lying and being in the City of Asheville, County of Buncombe, State of North Carolina and bounded and more particularly described as follows: BEGINNING at a stake in the northern margin of Eagle Street at its point of intersection with eastern margin of Davidson St., thence with the eastern margin of Davidson St. North 8 deg. 37' west 48 feet to a stake in the eastern margin of Davidson Street; thence North 82 deg. 31 east 15 feet more or less in the line of the northwestern line of Patrick Carr lot; thence south 8 deg. 38' east 48 feet more or less to a point in the northern margin of Eagle St.; thence with the northern margin of Eagle St., south 74 deg. 29' west 15.11 feet to the point of BEGINNING.

, however, subject to the reservation in the deed of the right of the City of Asheville to appropriate the aforesaid land for street widening purposes without further [illegible] at any time within five years from date of deed to purchaser [illegible] price in the amount of [illegible].00.

[illegible] resolution.

H. G. Etheridge
COUNCILMAN

[illegible]:

D. E. Divelbiss, Jr.
COUNCILMAN

[illegible], and Mayor Holmes Bryson, [illegible].

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

[illegible]:
Philip C. Cooke, Jr.

[illegible] personal injuries was filed by her attorneys [illegible],000.00, which was referred to the Corporation Counsel and City Manager.

[illegible],

[illegible],

[illegible] ZEL, Attorney at Law, [illegible],

[illegible] files notice of claim against the City of [illegible], [illegible] for damages resulting from personal injury, and shows the following facts:

1.

[illegible] was injured on August 5, 1940, at the intersection of South Spruce Street [illegible], while she was in the approximate center of said intersection.

2.

[illegible] was walking in the center of South Spruce Street while crossing [illegible] Street, coming from the Courthouse Plaza in the direction of Pack Square; that she was [illegible] thrown to the pavement.

3.

[illegible] is injured in her right foot, ankle and knee and in her neck, and has suffered severe pain and personal shock as a result; that, due to said nervous shock, the vision of her right eye is impaired; that claimant is at the date of the filing of this claim still suffering pain and shock from said injury.

4.

That the amount of damages claimed for said injury is $5,000.00.

This the 16th day of October, 1940.

BENNETT & BENNETT
Attorney for Claimant.

There being no further business, the meeting upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.
Holmes Bryson

Thursday, October 31, 1940--4:30 P. M.

The City Council met in regular session Thursday, October 31, 1940, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

[illegible]

Ordinance No. 269, entitled, "AN ORDINANCE FINDING AND DECLARING THAT THERE EXISTS IN THE CITY OF ASHEVILLE, NORTH CAROLINA DWELLINGS WHICH ARE UNSAFE, INSANITARY, DANGEROUS AND DETRIMENTAL TO THE HEALTH, SAFETY OR MORALS OR OTHERWISE INIMICAL TO THE WELFARE OF THE RESIDENTS OF THE CITY", was put on its third and final reading with the following vote, and unanimously passed:

Councilman Starnes voted "aye", Councilman Brown voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", and Mayor Bryson voted "aye".

AN ORDINANCE FINDING AND DECLARING THAT THERE EXISTS IN THE CITY OF ASHEVILLE, NORTH CAROLINA DWELLINGS WHICH ARE UNSAFE, INSANITARY, DANGEROUS AND DETRIMENTAL TO THE HEALTH, SAFETY OR MORALS OR OTHERWISE INIMICAL TO THE WELFARE OF THE RESIDENTS OF THE CITY.

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1. That under authority given to the governing body of a municipality under Chapter 287 of the Public Laws of 1939 the City Council finds that there now exists in the City of Asheville dwellings which are unfit for human habitation or are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of the City of Asheville, and that a public necessity exists for the repair, closing or demolition of such dwellings.

Section 2. It is further found by the governing body of the City of Asheville that there exists within the corporate limits of said city dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accident and other calamities, lack of ventilation, light or sanitary facilities, and other conditions rendering such dwellings unsafe and insanitary or dangerous and detrimental to the health, safety and morals or otherwise inimical to the welfare of the residents of the City of Asheville.

Section 3. This ordinance shall become effective fifteen days after date of publication.

I move the adoption of the foregoing ordinance this 17 day of October, 1940.

O. E. Starnes
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted, this 31 day of October, 1940, to become effective 20 day of November, 1940.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

[illegible] 271
[illegible] READING

Ordinance No. 271, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 265, entitled, "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1940 AND ENDING MAY 31, 1941" was passed on its second reading with the following vote.

Councilman Starnes voted "aye"m Councilman Brown voted "aye" Councilmen Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", and Mayor Bryson voted "aye".

[illegible] 272
[illegible] READING

Ordinance No. 272, entitled, "AN ORDINANCE TO PROMOTE PUBLIC ORDER AND SAFETY, AND TO REGULATE STARTING AND STOPPING OF PUBLIC UTILITY BUSES ON REGULAR ROUTES WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, AND TO REGULATE THE TAKING ON AND DISCHARGING OF PASSENGERS, AND DESIGNATING CERTAIN BUS STOPS WITHIN SAID CITY" was put on its second reading with the following vote:

Councilman Starnes voted "aye", Councilman Brown voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", and Mayor Bryson voted "aye".

Attorney Eugene Taylor presented claim of Jack B. Sawyer of the Bee Tree Section for alleged damages resulting from the recent floods. This claim was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE NOTICE OF DAMAGES AND CLAIM FOR DAMAGES TO PROPERTY

TO THE HONORABLE MAYOR, THE CITY MANAGER AND THE COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

Jack B. Sawyer of Bee Tree section, Swammanoa Township, Buncombe County, North Carolina, hereby files this notice of damages and claim for damages against the City of Asheville, North Carolina for injury and damage sustained to his property, and to that end hereby sets forth:

1. That the residence of the claimant is Bee Tree Section, Swannanoa Township, Buncombe County, North Carolina.

2. That the date on which said injuries occurred was approximately between the hours of 7 in the morning and 11 at night on the 10th day of August, 1940.

3. That the damages occurred in the Bee Tree Section, Swannanoa Township, Buncombe County, North Carolina along the Bee Tree Creek and over the darm and lands belonging to the said claimant in Swannanoa Township, Buncombe County, North Carolina.

4. That said damages to said property occurred in the following manner and under the following circumstances, to-wit:

That on August 9, 1940 as a result of long and heavy rains the water flow into Bee Tree Dam was greatly increased and became extremely heavy, and also causing Bee Tree Creek to rise to within the full capacity of its banks. That said flow of water continued during the night of the 9th and through the entire day of August 10, 1940, and that when said flow of water had practically reached its peak and when the Bee Tree Creek channel was filled to its capacity and in some places slightly overflowing the banks, the City of Asheville negligently and carelessly, through its agents and representatives failed to open the Johnson valve or flood gates of said dam until the splash boards put across said dam to impound more water were broken loose by the weight of the water. That after said splash boards were broken loose and caused an increased flow of water to run through the Channels of said creek, the said City of Asheville negligently and carelessly and contrary to law, opened the flood gates throwing all of the water at one time released from said dam which has been pinnad up, due to the increased flow, for several days, causing same to rush down over the lands of this claimant, thereby washing out his bridges, cutting new channels for the creek through his farm, and otherwise damaging his crops and land.

5. That due to the wrongful and negligent acts of the City of Asheville in using splash boards on said dam which were inadequate and unsafe to hold the pressure of water, and further by the negligent acts of the City in failing to open the Johnson valve or flood gates in said dam within a sufficient time to gradually bring said overflow of water from said dam, and further, due to the negligence of the City, through its agents and employees, in opening said Johnson valve or flood gate at the time when said water was at its fullest height and at a time when the splash boards had broken loose over the top of said dam this claimant was caused to suffer much damage to his farm by the water which rushed down over same in unheard of and unexpected quantities and force.

6. That the claimant has been damaged by virtue of the injuries to his land and property and crop and the washing out of bridges, etc. in the sum of at least $500.00.

7. That the claimant demands immediate payment of the City of Asheville the sum of $500.00.

Jack B. Sawyer
Claimant

This the 31st day of October, 1940.

EUGENE TAYLOR
Attorney for Claimant.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.

Holmes Bryson

Thursday, November 7, 1940--4:30 P.M.

The City Council met in regular session Thursday, November 7, 1940, at 4:30 P. M. with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. L. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the preceding meeting were read and approved.

Ordinance No. 272, entitled, "AN ORDINANCE TO PROMOTE PUBLIC ORDER AND SAFETY, AND TO REGULATE THE STARTING AND STOPPING OF PUBLIC UTILITY BUSES ON REGULAR ROUTES WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, AND TO REGULATE THE TAKING ON AND DISCHARGING OF PASSENGERS, AND DESIGNATING CERTAIN BUS STOPS WITHIN SAID CITY," was introduced with the following amendment:

Upon motion of Councilman Divelbiss, seconded by Councilman Bamford, Ordinance No. 272 was voted amended by striking out all of Section 4 and inserting in lieu thereof the following:

"Section 4. Any person, firm or corporation found guilty of the violation of this ordinance shall be fined a sum not to exceed Twenty-Five Dollars for each and every offense."

A roll call was then taken on the third and final passage of the Ordinance, with the Amendment, with the following vote:

Councilman Starnes voted "aye", Councilman Brown voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", Vice-Mayor Lee voted "aye" and Mayor Bryson voted "aye".

ORDINANCE NO. 272

AN ORDINANCE TO PROMOTE PUBLIC ORDER AND SAFETY, AND TO REGULATE THE STARTING AND STOPPING OF PUBLIC UTILITY BUSES AND REGULAR ROUTES WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, AND TO REGULATE THE TAKING ON AND DISCHARGING OF PASSENGERS, AND DESIGNATING CERTAIN BUS STOPS WITHIN SAID CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The Director of Public Safety is hereby authorized to establish bus stops for motor buses along the regular routes of said buses on the public streets of the City of Asheville.

Section 2. The Director of Public Safety shall have the authority from time to time, when he deems it essential for the safety and convenience of the general public, to determine, designate and locate motor bus stop zones along the regular routes of the motor buses operating within the corporate limits of the City of Asheville, and shall cause to be maintained appropriate signs indicating where said motor buses are to stop for the purpose of loading and unloading passengers.

Section 3. That it shall be unlawful for the operator of any motor bus to stop, for the purpose of loading or unloading passengers, on any public street along its regular route within the corporate limits of the City of Asheville other than in the passenger zone or loading zone referred to in Section 2 of this ordinance.

Section 4. Any person, firm or corporation found guilty of the violation of this ordinance shall be fined a sum not to exceed Twenty-Five Dollars for each and every offense.

Section 5. If any section, sentence or clause of this ordinance is for any reason held to be unconstitutional such decision shall not effect the validity of the remaining portion of this ordinance.

I move the adoption of the foregoing ordinance, this 24 day of October, 1940.

C. R. Bamford
Councilman

Seconded by: L. Lyons Lee
Councilman

Read, approved and adopted, this 7 day of November, 1940, to become effective 25th day of November, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Ordinance No. 271, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 265, BEING, ' AN ORDINANCE ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1940, AND ENDING MAY 31, 1941", was put on its third and final reading and unanimously passed with the following vote:

Councilman Starnes voted "aye", Councilman Brown voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", Vice-Mayor Lee voted "aye", and Mayor Bryson voted "aye".

ORDINANCE NO. 271

AN ORDINANCE AMENDING ORDINANCE NO. 265, BEING "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1940, AND ENDING MAY 31, 1941".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:
Sec. 1, That Ordinance 265 be and the same is hereby amended by striking out the first paragraph under "ICE MANUFACTURERS OR DEALERS" and inserting in lieu thereof the following:
"Any person, firm or corporation manufacturing ice under the provisions of this ordinance shall pay a license tax per annum of ----------$150.00"
Sec. 2. That this ordinance shall become effective fifteen days after date of publication.
I move the adoption of the foregoing ordinance, this 24 day of October, 1940.
C. R. Bamford, Councilman
Seconded by: J. E. Divelbiss, Councilman

Read, approved and adopted, this 7 day of November, 1940, to become effective 25 days from the 7th of November, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

An Ordinance amending Ordinance No. 268, being "AN ORDINANCE TO LICENSE AND REGULATE POOL ROOMS AND BILLIARD HALLS AND TO PROVIDE FOR THE REVOCATION OF SUCH LICENSES" was put on its first reading with the following vote:

Councilman Divelbiss voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", Vice-Mayor Lee voted "aye", and Mayor Bryson voted "aye".

Mr. Burgin Pennell, Attorney, presented claim of J.R. Owen and Nell B. Owen for alleged damages to property in the Bee Tree Valley. This claim was referred to the Corporation Counsel and City Manager.

STATE OF NORTH CAROLINA (
COUNTY OF BUNCOMBE)
(
J. R. OWEN AND NELL B. OWEN)
PLAINTIFF (NOTICE OF CLAIM FOR DAMAGES
VS.)
THE CITY OF ASHEVILLE, (
DEFENDANT)
(

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE:

J. R. Owen and Nell B. Owen, hereby file this their notice for claim for damages sustained and to that end set forth as follows:

1.
That the date on which the injuries and damages were sustained was August 13 and 14, 1940.

2.
That the place of the happening and infliction of said damages was in the county of Buncombe and upon the property of the claimants located on the Bee Tree Creek.

3.
That the manner in which said injuries and damages inflicted were as follows:

The negligent construction, maintenance and operation of the Bee Tree Dam and impounding basin; the negligent maintenance of said dam and impounding basin since it's construction; the negligent impounding basin could care for; the negligent manner in which waters were permitted to overflow said dam or spillway; the negligent release of large quantities of water from said dam and spillway.

4.
That the character of injuries sustained by the claimant as a result of the negligence of said City was the washing away of a large portion of claimants land abutting on said Bee Tree Creek and as a result thereof the Creek now flows over large portion of claimants land; the washing away of large quantities of top soil from claimants' land; the filling and covering of said land with rocks of various sizes, making it impossible to hereafter cultivate a crop of any nature on said land; the washing away and undermining of the foundation of the barn of claimants located on said property; the complete distruction of the growing crop located on said land.

5.
That the claimants have been damaged by virtue of said acts in the sum of fifteen Hundred ($1,500.00) Dollars.

WHEREFORE, Claimants demand the payment of the sum of $1,500.00.

This the 7th day of November, 1940.

Nell B. Owen
Claimant

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

Carolina passed on the 31st day of March, 1939, to which ordinance reference is hereby made.

BE IT THEREFORE ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, as follows to-wit:

Section 1. Definitions. The following terms whenever used or referred to in this ordinance shall have the following respective meanings for the purposes of this ordinance, unless a different meaning clearly appears from the context.

(a) "Housing Officer", shall mean officer or officers who are authorized by this ordinance to exercise the powers prescribed herein.

(b) "Public Authority" shall mean any officer who is in charge of any department or branch of the City Government relating to health, fire building regulations, or to other activities concerning dwellings in the City.

(c) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record.

(d) "Parties in interest" shall mean all individuals, associations, corporations and others who have interest of record in a dwelling and any who are in possession thereof.

(e) "Dwelling" shall mean any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Section 2. Designation of Housing Officer. That the building inspector be and he is hereby designated as the housing officer of the City of Asheville, North Carolina, to exercise the powers prescribed by this ordinance, and such housing officer, his assistant or his designated agent shall perform the duties hereinafter more fully outlined.

Section 3. Complaints - Service and Procedure. That whenever a petition is filed with the housing officer by a public authority or by at least five residents of the City charging that any dwelling is unfit for human habitation or whenever it appears to the housing officer (on his own motion) that any dwelling is unfit for human habitation, the housing officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a conplaint stating the charges in that respect and containing a notice that a hearing will be held before the housing officer (or his designated agent) at a place therein fixed not less than ten days nor more than thirty days after the serving of said complaint; that the owner and parties in interest shall be given the right to file answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the housing officer.

Section 4. Orders for Repairs or Demolition. - That if, after such notice and hearing, the housing officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an ORDER,

(1) if it is found that the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling not exceeding _____ percentage of such cost, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or

(2) if it is found that the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling not exceeding _____ percentage of such cost, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

Section 5. Buildings Closed. - Repaired on Non-Compliance, - Occupancy Forbidden. - That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the housing officer may cause such dwelling to be repaired, altered or improved, or to be vacated and closed; that the housing officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Section 6. Demolition on Non-Compliance. - That, if the owner fails to comply with an order to remove or demolish the dwelling, the housing officer may cause such dwelling to be removed or demolished.

Section 7. Lien for Cost of Repairs or Demolition. - That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the housing officer shall be a lien against the real property upon which such cost was incurred, which lien shall be superior to all liens thereon, except those for taxes and paving assessments, and which may, if necessary, be enforced through the Circuit or County Courts. If the dwelling is removed or demolished bythe housing officer he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Circuit Court, and shall be disbursed by such Court to the persons found to be entitled thereto by final order or decree of such Court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement,by summary proceedings or otherwise.

Section 8. Standards of Dwellings fit for Human Habitation. - Determination by Housing officer. - That the housing officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the City; such conditions may include the following (without limiting the generality of the foregoing); defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness.

Without excluding other ways and means of determining that a dwelling is unfit for human habitation, the housing officer shall make such finding when one or more of the following conditions exist:

(a) State of Repair. - When a dwelling unit is in need of major repairs, or of any alterations and/or improvements to overcome hazards to person or health.

(b) Violations of other ordinances, codes or regulations. - When it is found that there has been a violation of the building or sanitary codes, fire ordinances or other ordinances or legal regulations which cause the dwelling unit to be dangerous or detrimental to the health, safety, or morals of the occupants or residents of the City.

(c) When a dwelling unit has:

1. No provision for inside running-water, or,
2. No inside private toilet with drain to sewer, or
3. No inside sink with drain to sewer, or,
4. No electric light outlet in each room, or
5. No adequate heating facilities with flues built from the ground up with T. C. Flue lining.

(d) When room floor space is less than the following:

Living-room, if any, 150 square feet; first bed-room, 100 square feet, and other bed-rooms, if any, 70 square feet each.

(e) When light and air space is less than the following:

Any room, except bath, window area of 1/10 of the floor area, capable of being opened to 1/20 of the floor area.

(f) Occupancy - Number of Persons.

When the number of persons above two years of age residing in such unit is in exeess of 1.5 times the number of rooms, exclusive of bathrooms and kitchens; or where more than one family lives in a dwelling unit. This clause does not limit the number of dwelling units in one building.

(g) Obstruction to Light and Air:

When a house is constructed nearer than 6 feet to other buildings or obstructions to light and air, or nearer than 3 feet to the adjacent lot property line.

Section 9. Housing Officer- Inspections. - The housing officer or his representative shall annually inspect all dwellings and dwelling units used or intended to be used for human habitation within the City for the prupose of determining whether or not same are being maintained in compliance with the terms and provisions of this ordinance; and should he find violations, it shall be his duty to proceed as under the terms of this ordinance provided.

Section 10. Housing Officer Orders. - Method of Service. - Complaints or orders issued by the housing officer pursuant to this ordinance shall be served upon persons either personally or be registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the housing officer in the exercise of reasonable diligence, and the housing officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper printed and published in the City. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the Clerk of Buncombe County and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by the law of North Carolina.

Section 11. Housing Officer. - Additional Powers. - The public officer in addition to the powers and duties elsewhere prescribed by the terms of this ordinance shall have the following powers:

(a) To investigate the dwelling conditions in the City in order to determine which dwellings therein are unfit for human habitation:

(b) To administer oaths, affirmations, examine witnesses and receive evidence;

(c) To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this ordinance; and

(e) To delegate any of his functions and powers under this ordinance to such officers and agents as he may designate.

Section 12. Duties of Chiefs of other City Departments. - The heads or chiefs of the fire, health, police, sanitary, engineering and other departments of the City of Asheville, shall make a report in writing to the housing officer of all dwellings or structures which are, may be or are suspected to be dangerous dwellings, or which are unfit for human habitation, due to dilapidation, defects, increasing the hazards of fire, accidents or fire calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or insanitary, or dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the City.

Section 13. Construction. - Additional. - That nothing in this ordinance shall be construed to abrogate or impair the right of the City or its duly authorized officers to enforce any provisions, ordinances or regulations now or hereafter in force, and not in direct conflict with this ordinance, nor to prevent punishment for the violations thereof; the powers conferred and authorized by this ordinance being in addition and supplemental to other ordinances, but any such in direct conflict or inconsistent herewith, are hereby repealed.

Section 14. Dangerous or Unfit Dwellings. - Nuisances. - All dwellings found to be dangerous, or insanitary or unfit for human habitation within or under the terms of this ordinance are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as hereinbefore provided; and violators of this section and other provisions of this ordinance shall be punished as hereinafter provided.

Section 15. Invalidity. - Affect. - That notwithstanding any other evidence of intent it is hereby delcared to be the controlling intent of the Asheville, N. C. City Council, that if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to persons or circumstances other than

John Bryson. Glenn Morris

Glenn Morris

James Bryson

. . . . . Minutes were read and approved.

Claim for alleged personal injuries to Robert Cameron by his Attorney Carl W. Green, was filed and referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA)
)
COUNTY OF BUNCOMBE)
)
ROBERT CAMERON, by his next friend)
L. B. Cameron)
vs.) NOTICE OF CLAIMS FOR PERSONAL INJURIES
H. R. Ryan AND THE CITY OF ASHEVILLE)
A MUNICIPAL CORPORATION)

TO THE HONORABLE MAYOR, THE CITY MANAGER AND COUNCIL OF THE CITY OF ASHEVILLE:

The undersigned L. B. Cameron a citizen and resident of Asheville, who has been duly appointed next friend by an order made by J. E. Swain, Clerk of Superior Court of Buncombe County, North Carolina, by and through Carl W. Greene his attorney who is acting for him and his child Robert eight years of age and at his special request, hereby files claim against the City of Asheville for damages for personal injuries sustained by the said Robert Cameron at the time, place and manner hereinafter stated:

1.

Date. Claimant was injured on October 26, 1940, about six o'clock P. M.

2.

Place. Claimant was injured on Bartlett Street in the City of Asheville, North Carolina.

3.

Manner of injury inflicted. That Robert Cameron who is eight years of age started to cross Bartlett Street in the City of Asheville, North Carolina in front of the place of business of H. R. Ryan who was the owner and operator of Ryan Funeral Home. When he had stepped into the street in front of said Funeral Home said street was thickly covered with oil and grease that had leaked or had been placed thereon from motor vehicles belonging to H. R. Ryan, and said oil and grease had been upon the street for a period of six to seven months causing the street to be slippery and dangerous and unsafe for the traveling of people upon said street, and when Robert started to walk upon said grease and oil his feet slid to such an extent that they went out from under him causing him to fall with great force and violence upon the pavement; thereby seriously, painfully and permanently injuring his right arm, breaking same above his elbow, resulting in serious and permanent injury, causing great pain and suffering, together with hospitalization and medical stratment, all without any fault or negligence on his part and injuring and damaging him in the sum of $3,000.00.

Respectfully submitted the 11th day of December, 1940.

L. B. Cameron
Next Friend of Robert Cameron

By Carl W. Green
Attorney for Claimant.

Ordinance No. 270, entitled, "AN ORDINANCE PROVIDING FOR AND RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH THE ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE DESIGNATION AND DUTIES OF THE HOUSING OFFICER TO EXERCISE THE POWERS PRESCRIBED BY THIS ORDINANCE, AND PROVIDING FOR LIEN ON PROPERTIES AND PENALTIES FOR VIOLATION OF THIS ORDINANCE." was put on its third and final reading, and was unanimously passed with the following vote:

Councilman Starnes voted "aye", Councilman Brown voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", Vice-Mayor Lee voted "aye", and Mayor Bryson voted "aye".

ORDINANCE NO. 270

AN ORDINANCE PROVIDING FOR AND RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH THE ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE DESIGNATION AND DUTIES OF THE HOUSING OFFICER TO EXERCISE THE POWERS PRESCRIBED BY THIS ORDINANCE, AND PROVIDING FOR LIEN ON PROPERTIES AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the City of Asheville, North Carolina did heretofore on the 31 day of October, 1940, duly pass an ordinance entitled: "AN ORDINANCE FINDING AND DECLARING THAT THERE EXISTS IN THE CITY OF ASHEVILLE, NORTH CAROLINA DWELLINGS WHICH ARE UNSAFE, INSANITARY, DANGEROUS AND DETRIMENTAL TO THE HEALTH, SAFETY OR MORALS OR OTHERWISE INIMICAL TO THE WELFARE OF THE RESIDENTS OF THE CITY" in conformity to and as authorized by the provisions of Chapter 287 of the Public Laws of 1939 of the General Assembly of North

those as to which it is held invalid, shall not be affected thereby.

Section 16. Violations. - Penalty. - The owner of any dwelling or dwelling unit found unfit for human habitation under this ordinance who shall fail to comply with any notice or order to repair, vacate or demolish said building, issued by any person authorized by this ordinance to issue such notice or order, shall upon conviction be fined not exceeding $100.00, or imprisonment not more than thirty days for each offense, and each day of twenty-four hours of such continued non-compliance, shall constitute a separate offense. Likewise, any occupant or lessee in possession who fails to comply with any notice to vacate, or who fails to repaid said dwelling in accordance with any notice or order issued as authorized in this ordinance, shall similarly be tried, convicted and punished; and any person removing or defacing any notice posted on any building or dwelling by any authorized officer under the terms of this ordinance, shall be similarly tried, convicted and punished; and further, any person individually or as the representative of any person, firm or corporation who otherwise violates any of the terms or provisions of this ordinance shall be similarly prosecuted, convicted and punished. Criminal prosecutions and convictions hereunder shall not alter or supersede any civil rights or remedies provided for under the terms of this ordinance.

Section 17. This ordinance shall become effective fifteen days after date of publication.

I move the adoption of the foregoing ordinance, this 21 day of November, 1940.

C. P. Bamford
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 12 day of December, 1940, to become effective ___ day of January, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution appointing R. Lee Ellis as Commission number four of the Sinking Fund Commission for Buncombe County was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION APPOINTING R. LEE ELLIS AS COMMISSIONER NUMBER FOUR OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY.

WHEREAS, Chapter 4 of the Public-Local and Private Laws of 1937 sets up a Sinking Fund Commission for Buncombe County and certain bodies politic and municipal corporation therein, and defines the duties and powers of said Sinking Fund Commission; and

WHEREAS, Section 2 of said chapter mentioned above names the terms of the original members of said Sinking Fund Commission: and

WHEREAS, Commissioner Number Four is R. Lee Ellis of the City of Asheville; and

WHEREAS, Commissioner Number Four shall be appointed by the governing body of the City of Asheville not less than thirty days nor more than sixty days from the date of the expiration of his term of office; and

WHEREAS, the expiration of the term of Commissioner Number Four being on the 1st day of January, 1941; and

WHEREAS, Section 3 of said chapter places in the governing body of the City of Asheville the power to appoint Commissioners Number Two and Four when their terms of office expire for a period of five years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That R. Lee Ellis of the City of Asheville be and he is hereby appointed as Commissioner Number Four of the Sinking Fund Commission for Buncombe County for a period of Five years from the date of the expiration of said office, as set out in Chapter 4 of the Public-Local and Private Laws of 1937.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 12 day of December, 1940.

Holmes Bryson
MAYOR

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Glenn Morris
City Clerk

[illegible] Minutes were read and approved.

Claim for alleged personal injuries to Robert Cameron by his Attorney Carl W. Green, was filed and referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA)
)
COUNTY OF BUNCOMBE)
)
ROBERT CAMERON, by his next friend)
L. B. Cameron)
vs.) NOTICE OF CLAIMS FOR PERSONAL INJURIES
H. R. Ryan AND THE CITY OF ASHEVILLE)
A MUNICIPAL CORPORATION)

TO THE HONORABLE MAYOR, THE CITY MANAGER AND COUNCIL OF THE CITY OF ASHEVILLE:

The undersigned L. B. Cameron a citizen and resident of Asheville, who has been duly appointed next friend by an order made by J. E. Swain, Clerk of Superior Court of Buncombe County, North Carolina, by and through Carl W. Greene his attorney who is acting for him and his child Robert eight years of age and at his special request, hereby files claim against the City of Asheville for damages for personal injuries sustained by the said Robert Cameron at the time, place and manner hereinafter stated:

1.

Date. Claimant was injured on October 26, 1940, about six o'clock P. M.

2.

Place. Claimant was injured on Bartlett Street in the City of Asheville, North Carolina.

3.

Manner of injury inflicted. That Robert Cameron who is eight years of age started to cross Bartlett Street in the City of Asheville, North Carolina in front of the place of business of H. R. Ryan who was the owner and operator of Ryan Funeral Home. When he had stepped into the street in front of said Funeral Home said street was thickly covered with oil and grease that had leaked or had been placed thereon from motor vehicles belonging to H. R. Ryan, and said oil and grease had been upon the street for a period of six to seven months causing the street to be slippery and dangerous and unsafe for the traveling of people upon said street, and when Robert started to walk upon said grease and oil his feet slid to such an extent that they went out from under him causing him to fall with great force and violence upon the pavement; thereby seriously, painfully and permanently injuring his right arm, breaking same above his elbow, resulting in serious and permanent injury, causing great pain and suffering, together with hospitalization and medical stratment, all without any fault or negligence on his part and injuring and damaging him in the sum of $3,000.00.

Respectfully submitted the 11th day of December, 1940.

L. B. Cameron
Next Friend of Robert Cameron

By Carl W. Green
Attorney for Claimant.

Ordinance No. 270, entitled, "AN ORDINANCE PROVIDING FOR AND RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH THE ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE DESIGNATION AND DUTIES OF THE HOUSING OFFICER TO EXERCISE THE POWERS PRESCRIBED BY THIS ORDINANCE, AND PROVIDING FOR LIEN ON PROPERTIES AND PENALTIES FOR VIOLATION OF THIS ORDINANCE." was put on its third and final reading, and was unanimously passed with the following vote:

Councilman Starnes voted "aye", Councilman Brown voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Divelbiss voted "aye", Vice-Mayor Lee voted "aye", and Mayor Bryson voted "aye".

ORDINANCE NO. 270

AN ORDINANCE PROVIDING FOR AND RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH THE ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE DESIGNATION AND DUTIES OF THE HOUSING OFFICER TO EXERCISE THE POWERS PRESCRIBED BY THIS ORDINANCE, AND PROVIDING FOR LIEN ON PROPERTIES AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the City of Asheville, North Carolina did heretofore on the 31 day of October, 1940, duly pass an ordinance entitled: "AN ORDINANCE FINDING AND DECLARING THAT THERE EXISTS IN THE CITY OF ASHEVILLE, NORTH CAROLINA DWELLINGS WHICH ARE UNSAFE, INSANITARY, DANGEROUS AND DETRIMENTAL TO THE HEALTH, SAFETY OR MORALS OR OTHERWISE INIMICAL TO THE WELFARE OF THE RESIDENTS OF THE CITY" in conformity to and as authorized by the provisions of Chapter 287 of the Public Laws of 1939 of the General Assembly of North

those as to which it is held invalid, shall not be affected thereby.

Section 16. Violations. - Penalty. - The owner of any dwelling or dwelling unit found unfit for human habitation under this ordinance who shall fail to comply with any notice or order to repair, vacate or demolish said building, issued by any person authorized by this ordinance to issue such notice or order, shall upon conviction be fined not exceeding $100.00, or imprisonment not more than thirty days for each offense, and each day of twenty-four hours of such continued non-compliance, shall constitute a separate offence. Likewise, any occupant or lessee in possession who fails to comply with any notice to vacate, or who fails to repaid said dwelling in accordance with any notice or order issued as authorized in this ordinance, shall similarly be tried, convicted and punished; and any person removing or defacing any notice posted on any building or dwelling by any authorized officer under the terms of this ordinance, shall be similarly tried, convicted and punished; and further, any person individually or as the representative of any person, firm or corporation who otherwise violates any of the terms or provisions of this ordinance shall be similarly prosecuted, convicted and punished. Criminal prosecutions and convictions hereunder shall not alter or supersede any civil rights or remedies provided for under the terms of this ordinance.

Section 17. This ordinance shall become effective fifteen days after date of publication.

I move the adoption of the foregoing ordinance, this 21 day of November, 1940.

C. E. Bamford
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 12 day of December, 1940, to become effective [illegible] day of January, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution appointing R. Lee Ellis as Commission number four of the Sinking Fund Commission for Buncombe County was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION APPOINTING R. LEE ELLIS AS COMMISSIONER NUMBER FOUR OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY.

WHEREAS, Chapter 4 of the Public-Local and Private Laws of 1937 sets up a Sinking Fund Commission for Buncombe County and certain bodies politic and municipal corporation therein, and defines the duties and powers of said Sinking Fund Commission; and

WHEREAS, Section 2 of said chapter mentioned above names the terms of the original members of said Sinking Fund Commission: and

WHEREAS, Commissioner Number Four is R. Lee Ellis of the City of Asheville; and

WHEREAS, Commissioner Number Four shall be appointed by the governing body of the City of Asheville not less than thirty days nor more than sixty days from the date of the expiration of his term of office; and

WHEREAS, the expiration of the term of Commissioner Number Four being on the 1st day of January, 1941; and

WHEREAS, Section 3 of said chapter places in the governing body of the City of Asheville the power to appoint Commissioners Number Two and Four when their terms of office expire for a period of five years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That R. Lee Ellis of the City of Asheville be and he is hereby appointed as Commissioner Number Four of the Sinking Fund Commission for Buncombe County for a period of Five years from the date of the expiration of said office, as set out in Chapter 4 of the Public-Local and Private Laws of 1937.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 12 day of December, 1940.

Holmes Bryson
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the Mayor to execute quit-claim deed to Sally Gray was upon motion of Councilman Lee, seconded by Councilman Bamford, unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED TO SALLIE GRAY

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
108	Sallie Gray	13½	1	1	Sallie Gray

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

SECONDED BY: C. R. Bamford
Councilman

Read, approved and adopted, this 12 day of December, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the City of Asheville to lease to Reed & Abee, Inc. the Sand Drag facilities located at the mouth of Hominy Creek was upon motion of Councilman Divelbiss, seconded by Councilman Brown, unanimously adopted as follows:

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO LEASE TO REED & ABEE, INC. THE SAND DRAG FACILITIES LOCATED AT THE MOUTH OF HOMINY CREEK

WHEREAS, certain proposals having been made by the contracting firm of Reed & Abee, Inc. to the City of Asheville for the leasing of the sand drag facilities owned by said city located at the mouth of Hominy Creek; and

WHEREAS, the City deems it to be to its best interest to lease said sand drag facilities to the above mentioned Reed & Abee, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to enter into a lease with Reed & Abee, Inc. for a period of five years, leasing to said Reed & Abee, Inc., the sand drag facilities above referred to, said lease being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted, this 12 day of December, 1940.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

Thursday, December 19, 1940.

No meeting was held of the City Council because of a lack of a quorum.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

Thursday, December 26, 1940.

No meeting of the City Council was held on the above date because of lack of a quorum.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

Thursday, January 2, 1941--4:30 P. M.

The City Council met in regular session Thursday, January 2, 1941 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, O. E. Starnes, C. R. Bamford, Vice-Mayor Lyons Lee, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Ordinance No. 274, entitled, "AN ORDINANCE AMENDING ORDINANCE 270 BEING, 'AN ORDINANCE PROVIDING FOR AND RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH THE ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE DESIGNATION AND DUTIES OF THE HOUSING OFFICER TO EXERCISE THE POWERS PRESCRIBED BY THIS ORDINANCE, AND PROVIDING FOR LIEN ON PROPERTIES AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.'" was put on its first reading with the following vote:

Mayor Bryson voted "aye", Vice-Mayor Lee voted "aye", H. G. Etheridge voted "aye", O. E. Starnes voted "aye", and C. R. Bamford voted "aye".

Resolution authorizing Mayor to execute Deed to M. S. Wallace, was upon motion of Councilman Lee, seconded by Councilman Starnes unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE DEED TO M. S. WALLACE

WHEREAS, on the 6th day of August, 1940 the City of Asheville sold at the Court House door of Buncombe County to M. S. Wallace certain property hereinafter described, which property had been advertised in The Asheville Times, a newspaper published in the City of Asheville, as required by law, said M. S. Wallace being the highest bidder for said property, said bid being the amount of $5400.00; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a deed, attested by the City Clerk, to M. S. Wallace conveying the following described tract of land:

BEGINNING at a fence corner in the South Margin of the Oakview Road and being the N. E. corner of the Lindley Home Tract, and runs thence South 16 deg. 30 minutes West 350 feet to a fence corner; thence South 22 deg. 30 minutes West 350 feet to a fence corner; thence South 22 deg. 30 minutes West 357 feet to a fence corner also marked by an old locust stake and iron pipe; thence South 89 deg. West 325.9 feet to a fence corner; thence South 23 deg. 45 West 103.0 feet to a fence corner; thence South 72 deg. 30 West 1298 feet to a stake in Hominy Creek; thence following the said Hominy Creek in a northerly and easterly direction to a point in the margin of the Oakview Road at a point where said Oakview Road crosses Hominy Creek by means of a steel bridge; thence following the margin of the Oakview Road at a point where said Oakview Road crosses Hominy Creek by means of a steel bridge; thence following the margin of said Oakview Road the following courses and distances South 73 deg. East 135 feet, more or less, to a large poplar tree; thence South 60 deg. 49 South 115 feet to a stake; thence South 66 deg. 57 East 133 feet to a stake; thence North 89 deg. 37 East 175 feet to a stake; thence North 65 deg. 17 east 128 feet to the beginning. The above described tract contains 31.3 acres, more or less.

I move the adoption of the foregoing ordinance.

L. Lyons Lee
COUNCILMAN

SECONDED BY: O. E. STARNES
COUNCILMAN

Read, approved and adopted, this 2 day of January, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the Mayor to enter into a contract with Greene and Rogers, Architects, was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously passed, as follows:

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH GREENE AND ROGERS, ARCHITECTS.

WHEREAS, it becomes necessary for the City of Asheville to employ architests in completing the construction of an armory within the corporate limits of the city;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to enter into a contract with Greene and Rogers, Architects, of the City of Asheville, contracting for their services in the completion of the above mentioned armory building at the southeast corner of Spruce and Majorie Streets in said city, said contract being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved adn adopted, this 2 day of January, 1940.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Upon motion of Councilman Etheridge, seconded by Councilman Lee, the Corporation Counsel was authorized to settle $85.05 personal property tax of the H. A. Wells estate being lot 87 sheet 5 ward 4, 1928 taxes, and lot 88 sheet 5, ward 4 in the same amount of $85.05 personal property taxes for the year 1928 of the H. A. Wells estate.

Mayor Bryson named the following Airport Committee to work with the Buncombe County and Henderson County Committees as follows:

Vice-Mayor Lyons Lee
Councilman J. E. Divelbiss, Jr.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

Thursday, January 9, 1941-- 4:30 P. M.

The City Council met in regular session, Thursday, January 9, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Ordinance No. 274, entitled, "AN ORDINANCE AMENDING ORDINANCE 270 BEING ' AN ORDINANCE PROVIDING FOR AND RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH THE ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE DESIGNATION AND DUTIES OF THE HOUSING OFFICER TO EXERCISE THE POWERS PRESCRIBED BY THIS ORDINANCE, AND PROVIDING FOR LIEN ON PROPERTIES AND PENALTIES FOR VIOLATION OF THIS ORDINANCE"' was unanimously passed on its second reading with the following vote:

Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", and Mayor Bryson voted "aye".

Mr. P. M. Burdette, City Manager, presented application of D. P. Psihogios, owner of Billiard Hall called Rex Bar, for license, and upon his recommendation, the Council voted to grant this license to operate a billiard hall at 9 E Pack Square.

Resolution authorizing the Mayor to execute quit-claim deed to T. W. Lipscomb was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT CLAIM DEED TO T. W. LIPSCOMB

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, T. W. Lipscomb became owner of the hereinafter described property by virtue of a mortgage foreclosure; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOTS	SHEET	WARD	MAKE DEED TO
1487	Well's Construction Co.	87 (except that portion of said lot located in the Northwest corner thereof fronting 33.4 feet on Clingman Ave.)	5	4	
		88	5	4	T. W. Lipscomb

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 9 day of January, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL.

Upon motion of Councilman Brown, seconded by Councilman Bamford, resolution appointing a Municipal Board of Election for a period of Two Years was unanimously passed as follows:

RESOLUTION APPOINTING A MUNICIPAL BOARD OF ELECTIONS FOR A PERIOD OF TWO YEARS

WHEREAS, a municipal primary is to be held in the City of Asheville on the third Tuesday in April for the purpose of nominating seven Councilman, whose terms of office are fixed by law, to constitute the governing body of the City of Asheville; and

WHEREAS, on the second Tuesday in May following the above mentioned municipal primary there is to be held a general municipal election; and

WHEREAS, the City Council of the City of Asheville is authorized under Chapter 30 of the Public-Local and Private Laws of 1935 to name said Election Board to conduct said primary and general election; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That S. G. Bernard and Clyde Bradley, be and they are hereby appointed as members of the Election Board of the City of Asheville to conduct the coming primary and general election as representatives of the majority political party, and that Charles F. Crow be and he is hereby appointed to represent the minority party, the above mentioned citizens of the City of Asheville to constitute the Municipal Board of Elections for the next two years.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 9 day of January, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

January 15, 1941--4:30 P. M.

The City Council met in regular session Thursday, January 15, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Ordinance No. 274, entitled "AN ORDINANCE AMENDING ORDINANCE 270 BEING, 'AN ORDINANCE PROVIDING FOR AND RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH THE ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE DESIGNATION AND DUTIES OF THE HOUSING OFFICER TO EXERCISE THE POWERS PRESCRIBED BY THIS ORDINANCE, AND PROVIDING FOR LIEN ON PROPERTIES AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE"', was put on its third and final reading with the following vote:

Councilman Divelbiss voted "aye", Councilman Etheridge voted "aye", Councilman Starnes voted "aye", Vice-Mayor Lyons Lee voted "aye" and Mayor Bryson voted "aye".

The ordinance was unanimously passed and ordered published, to become effective February 3, 1941, fifteen days after publication.

ORDINANCE NO. 274

AN ORDINANCE AMENDING ORDINANCE 270 , BEING "AN ORDINANCE PROVIDING FOR AND RELATING TO THE REPAIR, CLOSING AND DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND PROVIDING FOR THE REMEDIES AND PROCEDURE IN CONNECTION WITH THE ENFORCEMENT OF THIS ORDINANCE, INCLUDING THE DESIGNATION AND DUTIES OF THE HOUSING OFFICER TO EXERCISE THE POWERS PRESCRIBED BY THIS ORDINANCE, AND PROVIDING FOR LIEN ON PROPERTIES AND PENALTIES FOR VIOLATION OF THIS ORDINANCE".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Ordinance 270 be and the same is hereby amended by striking out in Section 4, Sub-section (1), line 3, the words "percentage of such cost", and inserting in lieu thereof "fifty percent of such cost".

Section 2. That Ordinance 270 be and the same is hereby further amended by striking out in Section 4, Sub-section (2), line 3, the words "percentage of such cost" and inserting in lieu thereof "fifty percent of such cost".

Section 3. That all ordinances and clauses of ordinances in conflict herewith are hereby repealed.

Section 4. That this ordinance shall become effective fifteen days after its publication.

I move the adoption of the foregoing ordinance, this 2 day of January, 1941.

H. G. Etheridge
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 15 day of January, 1941, to become effective 3 day of February, 1941.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

Mrs. Lenore A. Gaskins, immediate past president of the Asheville Real Estate Board, appeared before the Council in the interest of a mass meeting to be held in the court house Monday, January 20, at 7:30 P. M. She announced that Arthur W. Binns of Philadelphia, widely experienced in Slum Clearance, would be the speaker of the evening, and invited the City officials to be present.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

Thursday, January 23, 1941--4:30 P. M.

The City Council met in regular session, Thursday. January 24, 1941, with Vice-Mayor Lyons Lee presiding. Present: Councilmen J. E. Divelbiss, Jr., O. E. Starnes, H. G. Etheridge, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Vice-Mayor Lyons Lee.

Minutes of the previous meeting were read and approved.

Resolution authorizing the Mayor to execute quit-claim deed to Lawrence Carland and wife, Nell Carland, was upon motion of H. G. Etheridge, seconded by O. E. Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED TO LAWRENCE CARLAND AND WIFE, NELL CARLAND

WHEREAS, Lawrence Carland and wife purchased from the Board of Financial Control Lots 31 and 33 of the subdivision of Liberty Park; and

WHEREAS, the deed to Lawrence Carland and wife from the Board of Financial Control was not recorded until after the city had acquired its interest in securities held by the Board of Financial Control under an act passed by the Legislature of 1937; and

WHEREAS, Lawrence Carland bought the notes that the City of Asheville had in its possession, but not a mortgage on said property; and

WHEREAS, the City of Asheville has no interest in said property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized to execute quit-claim deed to Lawrence Carland and wife, Nell Carland, for Lots 31 and 33 of the subdivision of Liberty Park, Plat of which is registered in Plat Book 198 at page 196 in the office of the Register of Deeds for Buncombe County.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 23 day of January, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

Resolution authorizing the Mayor to execute quit-claim deed to Beverly Hills Company, was upon motion of Councilman Starnes, seconded by Councilman Divelbiss,Jr., unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED TO BEVERLY HILLS COMPANY

WHEREAS, on the former tax maps of Haw Creek Ward there appears on Sheet 17 of said maps Lot 157½ in the name of the City of Asheville; and

WHEREAS, investigation shows this lot was put in the name of the City of Asheville by mistake, being part of the subdivision of Beverly Hills; and

WHEREAS, the City of Asheville has no interest in said lot and claims no title in sale; and

WHEREAS, same being in the name of the City of Asheville is a cloud upon the title of Beverly Hills Company, and

WHEREAS, Beverly Hills Company having paid the taxes up to date on said lot;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor, in order to clear the title to said lot, is hereby authorized to execute quit-claim deed to Beverly Hills Company for Lot 157½, Sheet 17, of the old Haw Creek Ward.

I move the adoption of the foregoing resolution.

O. E. Starnes
Councilman

SECONDED BY: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 23 day of January, 1941.

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

Holmes Bryson
Mayor

Glenn Morris
City Clerk

There being no further business, the meeting was upon motion, adjourned.

Vice-Mayor

City Clerk

Thursday, January 31, 1941--4:30 P. M.

The City Council met in regular session Thursday, January 31, 1941 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, C. Fred Brown, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Upon motion of Councilman Brown, seconded by Vice-Mayor Lee, Lots 1 and 2 of Block 6, Lots 7 and 8, Block 5, and Lot 5 of Block 7 Book 3 page 85, being property known as Annex Park in Henderson County, be advertised and sold at the Court House Door in Henderson County to the highest bidder. The Corporation Counsel was instructed to prepare such notice.

Upon motion of Councilmen Lee, seconded by Councilman Etheridge, the meeting was recessed until Tuesday, February 4, at 12 o'clock.

Mayor

City Clerk

Tuesday, February 4, 1941--12 O'clock

Pursuant to recess, the meeting of the City Council was called to order, but upon motion, recessed again until Wednesday, February 5, and then adjourned.

Mayor.

City Clerk

Thursday, February 6, 1941--4:30 P. M.

The City Council met in regular session Thursday, February 6, 1941, at 4:30 P.M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

Mayor.

City Clerk

Thursday, February 13, 1941--4:30 P.M.

The City Council met in regular session, Thursday, February 13, 1941, at 4:30 P. M., with Vice-Mayor Lyons Lee presiding. Present: Councilmen J. E. Divelbiss, Jr., O. E. Starnes, H. G. Etheridge, P. M. Burdette, City Manager, and Vice-Mayor Lyons Lee.

Minutes of the previous meeting were read and approved.

City Manager P. M. Burdette read request for permit to operate a billiard hall by Weldon Willis on Eagle Street to be known as Citizens Club. Mr. Burdette reported that he had complied with all City requirements. It was moved and seconded that this request be granted.

Resolution accepting an offer of aid in the development of the Asheville-Hendersonville Airport, was upon motion of Councilman J. E. Divelbiss, seconded by Councilman Etheridge unanimously passed as follows:

RESOLUTION ACCEPTING AN OFFER OF AID IN THE DEVELOPMENT OF THE ASHEVILLE-HENDERSONVILLE AIRPORT, MADE BY THE UNITED STATES OF AMERICA THROUGH THE ADMINISTRATOR OF CIVIL AERONAUTICS OF THE DEPARTMENT OF COMMERCE AND PROVIDING CERTAIN ASSURANCES AND COVENANTS IN CONSIDERATION THEREOF.

WHEREAS, the Administrator of Civil Aeronautics of the United States Department of Commerce, through the Regional Manager of Civil Aeronautics, P. O. Box 4327, Atlanta, Ga., advises that the development of the Asheville-Hendersonville Airport in the approximate amount of $_____ has been approved by the Board composed of the Secretaries of War, Navy and Commerce as necessary to National defense for inclusion in the construction program authorized by Public No. 812, 76th Congress, approved October 9, 1940.

WHEREAS, the undertaking of this development is contingent on the fulfillment of certain conditions, to-wit:

1. That the City of Asheville through its properly constituted officials provide evidence that it has title or will obtain title prior to construction being placed under way to the requisite land for the project.

2. That the City of Asheville agree to accept full responsibility for the maintenance of the improved airport.

3. That the City of Asheville agree to accept full responsibility for the operation of the improved airport as a public airport in the public interest.

4. That the City of Asheville agree to protect the aerial approaches to the airport to the full extent of its legal ability.

5. That the City of Asheville agree to cooperate with the Civil Aeronautics Administration in the orderly prosecution of the proposed work.

6. That the City of Asheville agree to hold the United States harmless from all claims and damages which may arise from the construction operations but are not a definite part thereof.

WHEREAS, the proposed development would be to the advantage and benefit of the City of Asheville,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the City of Asheville, hereby agrees, subject to the United States undertaking the development of the Asheville-Hendersonville Airport at an approximate cost of $_____, as follows:

REPRESENTATIONS AND WARRANTIES

(a) That the City of Asheville owns and possesses title in fee simple to the lands comprising the landing area of the Asheville-Hendersonville Airport, together with all other lands to be improved under the project or will acquire title in fee simple to these lands without delay, which lands are more particularly described herewith by metes or bounds (which lands are shown herewith on Exhibit "A"):

EXHIBIT "A"

BEGINNING at a bridge where Hooper's Creek Road crosses Cane Creek; thence with the meanders of Cane Creek in a Northerly direction a distance of thirteen hundred (1300) feet more or less to a stake in the present channel of Cane Creek; thence leaving the present channel and following the old channel the following courses and distances: North 33 deg. 18' West two hundred thirty-one and five tenths (231.5) feet, North 9 deg. 07' East one hundred sixty (160) feet, North 65 deg. 07' East one hundred thirty (130) feet, North 87 deg. 37' East two hundred ninety (290) feet, South 68 deg. 53' East

one hundred seventy three (173) feet, North 85 deg. 67' East one hundred sixty-five (165) feet, North 22 deg. 07' East one hundred sixty-five (165) feet, North 48 deg. 07' East three hundred eighty (380) feet, North 45 deg. 07' East three hundred twenty (320) feet, South 76 deg. 53' East one hundred twenty (120) feet, South 49 deg. 53' East fifty (50) feet more or less to the center of prese nt channel of Cane Creek; thence with the meanders of Cane Creek in a Northeasterly direction thirty-five hundred (3500) feet more or less to a stake on the bank of said creek; thence, leaving the creek, south 3 deg. 13' West twenty-five hundred sixty-seven (2567) feet to a stake at the corner of a fence, said fence being formerly a joint line of the Asheville-Hendersonville Airport Property and land of B. H. Youngblood; thence South 7 deg. 02' East eight hundred fifty one and three tenths (851.3) feet, along a line of the B. H. Youngblood land to a stake; thence South 86 deg. 55' East two hundred forty-seven (247.0) feet to a stake; thence South 3 deg. 08' West seven hundred ninety (790.0) feet to a stake in a joint line of lands now or formerly owned by B. H. Youngblood and by D. D. Horton; thence, along said line South 86 deg. 55' East five hundred seventy-five (575.0) feet to a stake in the western margin of an old read; thence along the western margin of said road South 7 deg. 55' East two hundred thirty-one (231) feet to a stake; thence, still along the western margin of said road, South 1 deg. 05' West one hundred ninety-eight (198.0) feet to a stake where the western margin of above mentioned road intersects with the northern margin of Hooper's Creek; thence, North 84 deg. 04' East sixty five and eight-tenths (65.8) feet to a stake in the center of Hoopers Creek Road; thence along the center of Hoopers Creek Road the following courses and distances; North 71 deg. 03' East one hundred (100) feet to a stake, North 83 deg. 48' East ninety-six and six-tenths (96.6) feet to a stake; thence, leaving Hoopers Creek Road, along a joint line of lands now or formerly owned by F. P. Drake and by J. F. Baldwin respectively south 11 deg. 42' East five hundred twenty-nine and one-tenth (529.1) feet to an iron stake; thence South 73 deg. 01' East four hundred twelve and three-tenths (412.3* feet to a stake in a joint line of lands now or formerly owned by J. F. Baldwin and Rutledge respectively; thence along said line South 9 deg. 27' East four hundred forty three (443.0) feet to an iron stake; thence South 54 deg. 15' West hundred ninety-nine and one tenth (399.1), to an iron stake, said stake being the southwest corner of land now or formerly owned by J. F. Baldwin and, also, a corner in land now or formerly owned by W. E. Baldwin; thence, crossing Hooper's Creek, South 55 deg. 18' West five hundred seventy-eight and three tenths (578.3)feet to a stake at the foot of an oak on a knoll; thence leaving the knoll and running along an old road and crossing Hooper's Creek, North 65 deg. 47' West seven hundred seventy-four and seven-tenths (774.7) feet to a stake, where said old road intersects Hooper's Creek Road; thence along Hooper's Creek Road the following courses and distances; North 66 deg. 53' West thirteen hundred (1300) feet, North 80 deg. 39' West five hundred thirty-five and eight-tenths (535.8) feet, North 82 deg. 28' West nine hundred fifty-nine and one-tenth (959.1) feet, North 53 deg. 52' West four hundred forty and one-tenth (440.1) feet, North 53 deg. 48' West five hundred eighty-eight and five tenths (588.5) feet to the Beginning; all bearing being magnetic and parcel containing an area of 309.8 acres more or less. For further information, reference is hereby made to a map entitled, "Asheville-Hendersonville Airport Property Map" on file in the City Engineering Department, City of Asheville.

(b) That the City of Asheville has the power and authority under the laws of the State of North Carolina to perform all of its obligations hereunder.

Section 2. That the City of Asheville agree to permit the agents of the Government and all contractors or sub-contractors engaged directly or indirectly in carrying out the project, including their agents and employees to enter upon, use and occupy the airport as may be deemed by the Government to be necessary or desirable in the conduct of the project.

Section 3. OWNERSHIP OF IMPROVEMENTS

That all improvements made under the project shall be the sole and absolute property of the City of Asheville, except where specifically agreed otherwise prior to the undertaking of the improvement or installation.

Section 4. MAINTENANCE OF AIRPORT FACILITIES

That the City of Asheville agrees to accept full responsibility for the maintenance of the Asheville-Hendersonville Airport, to include all work undertaken under this project by the United States of America.

Section 5. THE OPERATION OF THE AIRPORT

That the City of Asheville agrees to accept full responsibility for the operation of the Asheville-Hendersonville Airport for the use and benefit of the public on reasonable terms and without unjust discrimination and to grant no exclusive right therein contrary to the provisions of Section 303 of the Civil Aeronautics Act of 1938.

Section 6. PREVENTION OF HAZARDS

That the City of Asheville agrees, insofar as is reasonably possible and within its legal ability, to protect the aerial approaches to the airport from the erection of structures or from growth tending to render the use of the airport dangerous to aircraft and that it will not erect on the airport or permit to be erected, any structure or building which will limit the usefulness of the airport or constitute a hazard to aircraft using the airport.

Section 7. COOPERATION

That the City of Asheville agrees, to cooperate with the Civil Aeronautics Administration in the orderly prosecution of the project.

Section 8. RELEASE FROM CLAIMS

That the City of Asheville agrees to hold the United States harmless from any and all claims or damages which may arise from the construction activities of the United States but are not a definite part thereof.

Section 9. CERTIFICATION

That the Clerk is hereby authorized and directed to send to the Administrator through the Regional Manager of Civil Aeronautics, P. O. Box 4327, Atlanta, Georgia, two certified copies of this resolution with two certified copies of an extract of the Minutes of the meeting of this City Council showing all proceedings in connection with the adoption of this resolution.

I move the adoption of the foregoing resolution.

J. E. Pivelbiss, Jr.,
COUNCILMAN

SECONDED BY: H. C. Etheridge
COUNCILMAN

Read, approved and adopted, this 13 day of February, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion adjourned.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

Thursday, February 20, 1941--4:30 P. M.

The City Council met in regular session Thursday, February 20, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Resolution approving the provisions of a proposed cooperation agreement between the City of Asheville, North Carolina and the Housing Authority of the City of Asheville, North Carolina, and authorizing the execution of said agreement on behalf of the City was upon motion of Vice-Mayor Lyons Lee, seconded by Councilman Bamford unanimously passed as follows:

RESOLUTION APPROVING THE PROVISIONS OF A PROPOSED COOPERATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE, NORTH CAROLINA AND THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, the City of Asheville, North Carolina desires and is willing to cooperate with the Housing Authority of the City of Asheville, North Carolina, by furnishing customary municipal services and facilities to such projects and the tenants thereof, without cost or charge, and to cooperate in other ways with the Housing Authority of the City of Asheville, North Carolina, as more particularly appears in the agreement hereinafter set forth and made a part of this resolution; and

WHEREAS, it is necessary that the present low-income occupants of unsafe or insanitary dwelling units be provided with new, safe and sanitary dwellings at rentals they can afford to pay; and

WHEREAS, the City of Asheville, North Carolina is desirous of cooperating in the fullest extent with the local housing authority known as the Housing Authority of the City of Asheville, North Carolina; and

WHEREAS, the City Council of the City of Asheville, North Carolina in regular session held on February 20, 1941 at 4:30 P. M. in the Council Chamber of the City Hall in the City of Asheville, North Carolina do adopt said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

That the Mayor be and he is hereby authorized to execute the cooperation agreement between the City of Asheville, North Carolina and the Housing Authority of the City of Asheville, North Carolina, and that the City Clerk attest same and attach the corporate seal of the City of Asheville, North Carolina, said agreement being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 20th day of February, 1941.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

COOPERATION AGREEMENT
between the
CITY OF ASHEVILLE, NORTH CAROLINA
and the
HOUSING AUTHORITY OF THE CITY OF
ASHEVILLE

In consideration of the mutual promises of the City of Asheville, North Carolina, (herein called the "City"), and the Housing Authority of the City of Asheville, (herein called the "Authority") hereinafter set forth, the City and Authority agree as folllws:

1. The City agrees to eliminate, within its territorial limits, unsafe or insanitary dwelling units of a number at least equal to the number of new dwelling units to be provided in the low-rent housing projects (herein collectively called the "Projects", which term is more specifically defined in paragraph 18) to be undertaken by the Authority (less the number, if any, of unsafe or insanitary dwelling units to be eliminated from the site or sites of the Projects by the Authority during the development of the Projects).

2. The City agrees to eliminate such unsafe or insanitary dwelling units in one or the other of the following ways, or partly in one of these ways and partly in others:

(a) By demolishing dwelling units which are on land acquired by the City by purchase or otherwise, including demolition of such dwelling units on land purchased for any public uses; or

(b) By causing the compulsory demolition, effective closing, repair or improvement of such unsafe and insanitary dwelling units; or

(c) By inducing private owners voluntarily to eliminate such dwelling units.

3. In computing the number of unsafe or insanitary dwelling units eliminated under the terms of this Agreement, there shall be included all unsafe or insanitary dwelling units eliminated under this Agreement from the date hereof.

4. In computing the number of unsafe or insanitary dwelling units eliminated under the terms of this Agreement, the remedying of violations of local building codes or ordinances by compulsory action of the City in so far as it results in the elimination of unsafe or insanitary dwelling units, shall be considered as elimination. The voluntary remedying of such violations shall not be considered as elimination.

5. For the purpose of this Agreement a dwelling unit shall be considered unsafe or insanitary whenever by reason of dilapidation, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, it is detrimental to safety, health or morals.

6. The Authority agrees:

(a) To advise the officers in charge of appropriate departments of the City of the existence of any unsafe or insanitary dwelling units in the City, which the Authority finds as a result of its surveys or studies;

(b) To make reports to the City, from time to time, regarding such matters; and

(c) To cooperate with the City in securing the elimination of unsafe or insanitary dwelling units required hereunder.

7. The City agrees to cause its officers in charge of appropriate departments to make reports to the Authority from time to time regarding:

(a) The action taken by the City in the elimination or repair of unsafe or insanitary dwelling units hereunder;

(b) The dates of such action;

(c) The location of such dwelling units; and

(d) The condition of such dwelling units which make them unsafe or insanitary.

8. The Authority and the City agree that the elimination undertaken and required shall be considered as a part of the Projects.

9. The City agrees to complete the elimination of unsafe and insanitary dwelling units required hereunder at such a rate that, in connection with each Project, a number at least equal to the number of new dwelling units constructed in each Project shall be eliminated within one (1) year from the date of the physical completion of that Project.

10. The City agrees that, during the period of commencing with the date of the acquisition of any part of the site or sites for each Project and continuing throughout the useful life or such Project, and continuing throughout the useful life of such Project, it will not levy, impose or charge any taxes, special assessments, service fees, charges or tolls against the Projects or against the Authority and will furnish, without cost or charge to the Authority or the tenants thereof, municipal services and facilities for such Project and the tenants thereof, of the same character as those furnished without cost or charge for other dwellings and inhabitants in the City, including but not limited to: firem police and health protection and services, street maintenance, snow removal, garbage, trash and ash collection and disposal, street lighting on public streets within any Project and on the boundaries thereof, and sewer services; that it will maintain in good repair and working order any and all municipal utilities and facilities, provided by it for the use and benefit of each Project and the tenants thereof; and that it will maintain in good repair streets, roads and alleys which are within, adjacent or leading to the boundaries of each Project. The term "useful life or such Project" as used in the foregoing, shall mean the period of physical usefulness of the particular project for the purpose of providing dwelling accommodations, but in no event less than the number of years during which any of the bonds issued to aid in financing the development of such Project shall remain outstanding.

11. The City agrees to plan or replan, zone or rezone to an appropriate site and neighborhood classification, any area in the City within which any Project shall be located. It further agrees that without charge to the Authority, it will vacate and close any streets, roads, roadways, alleys, sidewalks or other places (which the Authority finds are reasonably necessary in the development of the Project) located in the area of said Project or adjacent thereto and convey to the Authority any interest it may have in the beds of the streets within the boundaries of said Project so vacated or closed. In connection with all such vacations the City will cause to be removed from such vacated areas at no expense to the Authority all public or private water or gas mains, or pipes, electric or telephone wires, conduits and equipment, steam pipes and sewers which might interfere with the development of the Project. All such action provided for in this paragraph shall be taken by the City within a reasonable time after receipt of a written request therefor from the Authority.

12. The Authority agrees to dedicate, and the City agrees to accept for municipal purposes, land which may be used or acquired by the Authority and which the Authority determines to be reasonably necessary for public streets and alleys within the boundaries of the Project or for the purpose of providing public ingress thereto and egress therefrom. In making such dedication the Authority may reserve to itself, its successors and assigns, the right to construct and maintain in, under or above the dedicated premises water or gas mains or pipes, electric and telephone wires, conduits and steam pipes and sewers for the purpose of furnishing and distributing such utilities to the Project. The City agrees to grant appropriate easements, licenses or permits giving to the Authority the right to construct and maintain any of such utilities in, under or across any public streets or alleys dividing the project site into two or more parts so as to enable the Authority to furnish and distribute such utilities to the entire project.

13. The City agrees to furnish, dedicate, pave, install, grade or regrade, plan or replan any streets, roads, roadways, alleys, sidewalks, or other places located in the area of any Project or adjacent thereto and which the Authority finds are necessary in the development of such Projects; such facilities shall be furnished and such work performed by the City within a reasonable time after receipt of a written request therefor from the Authority and after arrangements have been made for financing the facilities or performing the work specified in this paragraph shall be financed in such manner as may be agreed upon by the City and the Authority and as may be approved by the United States Housing Authority.

14. The City agrees to waive such building and inspection fees as might be payable by the Authority if it is or becomes subject to the payment of such fees, and agrees to make such exceptions from building regulations and ordinances as are found by the Authority to be necessary in the development of the Projects.

15. Nothing in this Agreement shall be construed as limiting the power of the City to furnish aid and cooperation other than and in addition to the matters more particularly described in this Agreement.

16. The Authority agrees that it will use its best efforts to develop the Projects as rapidly as possible, to operate and maintain such Projects for families of low income, and to keep the City fully informed as to the status of the Project.

17. The City consents to the assignment of this Agreement for the protection of the holders of any bonds issued to aid in financing the development of the Projects.

18. The term "Projects" as used in this Agreement shall mean any low-rent housing projects now or hereafter undertaken within the City by the Authority with respect to which a contract or contracts to obtain Federal Annual contributions have been made, or will be made within one year from the date hereof, with the United States Housing Authority. The term "Project" shall mean any one of such Projects which is to be aided under a single Annual Contributions Contract between the Authority and the United States Housing Authority relating solely to annual contributions on that particular project.

IN WITNESS WHEREOF, the City of Asheville, North Carolina and the Housing Authority of the City of Asheville have respectively caused this Agreement to be duly executed in triplicate as of the 20th day of February, 1941.

CITY OF ASHEVILLE, NORTH CAROLINA

By HOLMES BRYSON
MAYOR

(OFFICIAL SEAL)
ATTEST: Glenn Morris
CITY CLERK

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

(SEAL)

BY W. J. DAMTOFT
Chairman

ATTEST: C. A. Walker
SECRETARY

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor
Holmes Bryson.

Thursday, February 27, 1941.

Because of a lack of a quorum, no meeting of the City Council was held.

Glenn Morris
City Clerk

Mayor.
Holmes Bryson.

Thursday, March 6, 1941--4:30 P. M.

The City Council met in regular session Thursday, March 6, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: J. E. Divelbiss, Jr., H. G. Etheridge, C. B. Bamford, C. Fred Brown, C. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Claim for damages, alleged to have been caused by a City pick-up truck, in the amount of $450.00, was filed by Miss Kate H. Wright, through her attorney, George H. Wright. This claim was referred to the Corporation Counsel and City Manager.

TO THE BOARD OF COMMISSIONERS
OF THE CITY OF ASHEVILLE

Gentlemen:

The undersigned makes claim against the City of Asheville in the amount of $450.00, representing damages sustained by her in the destruction of an automobile belonging to her in an accident occurring between Eight and Eight-thirty AM on Sunday, January 26th, 1941, in the City of Asheville on the road leading from the Tunnel in a southeastern direction toward the Haw Creek School, from a quarter to half a mile southeast of the Tunnel. The facts and circumstances connection with said damage are as follows:

At the time and on the date mentioned Donald Hinkle, chauffeur of the undersigned, was driving a 1938 Oldsmobile Sedan belonging to the undersigned in a southeastern direction along the above road, driving in the right hand lane of the three-lane road. A pickup truck belonging to the City, carrying License P-13396, was driving ahead of the Oldsmobile in the same lane and in the same direction, the driver being J. S. Tilley. The City truck was proceeding very slowly, and, as the Oldsmobile overtook it, Hinkle observed that there was a barrier ahead of the city truck on the lane in which both cars were proceeding. Hinkle gave a signal to pass the truck, and pulled over into the left hand of the three lanes for the purpose of passing, but the city truck, notwithstanding the signal, and notwithstanding the fact that the middle lane of the road was open and unobstructed, pulled over about midway of the middle and lefthand lanes, blocking both, and making it impossible for Hinkle to pass. After Hinkle realized that the truck had blocked both lanes it was impossible for him to bring the Oldsmobile to a stop, in spite of all his efforts. He was so far successful that he only touched the license plate and left rear tail light on the truck, but the Oldsmobile was forced off the highway and against a rock wall, damaging it to such an extent that its selvage value was only $150.00.

The car was in good shape in all particulars, subject only to ordinary wear and tear, and had a reasonable market value before the accident of $600.00.

The sole and proximate cause of the accident was the negligent operation of the City truck by the driver thereof, in failing to heed the signal to pass given by Hinkle, and so driving the truck as to block both lanes of the highway, making the resulting accident unavoidable.

This letter is written to give notice of claim above referred to, and to request that the proper officials of the City be directed to compensate the undersigned for the damage sustained.

This, February 20th, 1941.

Miss Kate H. Wright
George H. Wright, Attorney.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.
Holmes Bryson.

Thursday, March 13, 1941--4:30 P. M.

The City Council met in regular session Thursday, March 13, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, C. Fred Brown, H. G. Etheridge, O. E. Starnes, Vice-Mayor Lyons Lee, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

The meeting was then, upon motion of Councilman Bamford, seconded by Vice-Mayor Lee, recessed until 12 o'clock Monday.

Glenn Morris
City Clerk

Mayor.

Monday, March 17, 1941--4:30 P. M.

The City Council met, pursuant to recess, Monday at 12 o'clock, and was called to order by Vice-Mayor Lyons Lee, and recessed again until Tuesday at 12 o'clock.

Glenn Morris
City Clerk

Mayor

Tuesday, March 18, 1941--4:30 P. M.

Pursuant to recess, the City Council was called to order by Mayor Bryson, and adjourned.

Glenn Morris
City Clerk

Mayor

Thursday, March 20, 1941--4:30 P. M.

The City Council met in regular session Thursday, March 21, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Resolution authorizing the Mayor to execute quit-claim deed to A. W. Groover and Wife, Beulah A. Groover, was upon motion of Councilman C. Fred Brown, seconded by Vice-Mayor Lyons Lee, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO A. W. GROOVER AND WIFE, BEULAH A. GROOVER.

WHEREAS, on the 3rd day of March, 1941 the City of Asheville sold at the Court House door of Hendersonville County to A. W. Groover and wife, Beulah A. Groover, certain property hereinafter described, which property had been advertised as required by law, said A. W. Groover and wife, Beulah A. Groover being the highest bidders for said property, said bid being in the amount of $40.00; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a quit-claim deed, attested by the City Clerk, to A. W. Groover and wife, Beulah A. Groover, conveying the following described property;

Lying in Henderson County, North Carolina, and being Lots 1 and 2, Block 6, lots 7 and 8, Block 5, and l t 5, Block 7 of a plat of Annex Park, which plat is recorded in the office of the Register of Deeds of Henderson County in Plat Book 3 on page 85.

The above described property was acquired by the Board of Financial Control through liquidation of collateral security owned by the County of Buncombe and the City of Asheville by act of the 1937 session of the North Carolina Legislature.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted this 20th day of March, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

Resolution authorizing the purchase of certain lands in Henderson County for the purpose of constructing an Airport was upon motion of Councilman Starnes, seconded by Councilman Divelbiss, unanimously passed as follows:

RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN LANDS IN HENDERSON COUNTY FOR THE PURPOSE OF CONSTRUCTING AN AIRPORT.

WHEREAS, the City of Asheville is desirous of accepting a grant from the United States Government in order to construct an airport ob lands now owned by Henderson County, North Carolina, Hendersonville, North Carolina, and the City of Asheville, North Carolina; and

WHEREAS, the Civil Aeronautics Authority has certain standards and requisites, and it has been determined that additional land surrounding the now Asheville-Hendersonville Airport site must be acquired; and

WHEREAS, the Civil Aeronautics Authority required that the said land be held in fee simple by the municipality or municipalities receiving said grant mentioned above; and

WHEREAS, it becomes necessary for the City of Asheville to expend certain sums of money in order to purchase said land for the purpose set out above; and

WHEREAS, the General Assembly of North Carolina has authorized by Senate Bill 300, ratified on the 12th day of March, 1941, the purchase of the additional land named herein by the City Council of the City of Asheville, and has authorized the City Council to expend not more than $40,000.00, said funds to be derived from the Revolving Fund of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized to purchase not more than 36 acres of land from Curtis Eynum at $100.00 an acre, not more than 14 acres of land from Mabel Anderson and W. H. Anderson at $100.00 an acre, not more than 12.88 acres of land from W. E. Baldwin at $160.00 an acre, not more than 11.63 acres of land from N. E. Baldwin at $160.00 an acre, not more than 5.1 acres of land from J. F. Baldwin at $150.00 an acre, not more than 5.88 acres of land from Eula B. Drake at a flat purchase price of $3500.00, not more than 9.18 acres of land from D. D. Horton at a flat purchase price of $3500.00, not more than 2.58 acres of land from Viola Garren at a flat purchase price of $350.00, not more than 3.53 acres of land from Lonzo Garren at $100.00 an acre, not more than 23.50 acres of land from W. H. Messer at $200.00 an acre, plus house and barn at $500.00, not more than 4.17 acres of land from Frances Garren Souther at $100.00 an acre, and not more than 3.81 acres of land from Charlie Garren at $100.00 an acre, said purchases to be made after all legal technicalities have been attended to and after the City Manager is satisfied that the above mentioned sellers of their land can give a free and clear title in fee simple to the City of Asheville; that the money to be expended for the purpose of purchasing the above land shall not be paid out of money received by the City of Asheville from ad valorem taxes, but shall be paid out of any excess funds the City of Asheville might have on hand derived from taxes or otherwise other than from ad valorem, the total amount to be expended on the above purchases shall not exceed the sum of $23,387.60.

I move the adoption of the foregoing resolution.

O. E. Starnes
Councilman

Seconded by: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 20 day of March, 1941.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.
Holmes Bryson

Thursday, March 27, 1941--4:30 P. M.

The City Council met in regular session Thursday, March 27, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. Fred Brown, C. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Resolution authorizing the purchase of certain land in Henderson County for the purpose of constructing an Airport was upon motion of Councilman Brown, seconded by Councilman Divelbiss, unanimously passed as follows:

RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN LAND IN HENDERSON COUNTY FOR THE PURPOSE OF CONSTRUCTING AN AIRPORT

WHEREAS, the City of Asheville has purchased certain lands to be used in the development of the Asheville-Hendersonville Airport; and

WHEREAS, the Civil Aeronautics Authority has certain standards and requisites to be complied with by the sponsor of the Asheville-Hendersonville Airport; and

WHEREAS, the Civil Aeronautics Authority requires that the said land be held in fee simple by the municipality or municipalities receiving said grant from the United States Government; and

WHEREAS, it becomes necessary for the City of Asheville to expend certain sums of money in order to purchase said land for the purpose set out above; and

WHEREAS, the General Assembly of North Carolina has authorized by Senate Bill 300, ratified on the 12th day of March, 1941, the purchase of the additional land named herein by the City Council of the City of Asheville, and has authorized the City Council to expend not more than $40,000.00, said funds to be derived from the Revolving Fund of the City of Asheville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized to purchase not more than 35.44 acres of land from S. H. Beecher and Beatrice Garren Beecher at $200.00 an acre, plus a house at $6250.00 known as the new Beecher residence, and plus $1104.00 for other improvements, and not more than 29.2 acres of land from B. H. Youngblood at $200.00 an acre, plus $600.00 for crops now on the Youngblood property, plus $450.00 for eighty thousand cubic yards of soil to be taken from other Youngblood property in the vicinity, making a total expenditure not to exceed $21,333.00, said purchase to be made after all legal technicalities have been attended to and after the City Manager is satisfied that the above mentioned sellers can give a free and clear title in fee simple to the City of Asheville; that the money to be expended for the purpose of purchasing the above land shall not be paid out of money received by the City of Asheville from ad valorem taxes, but shall be paid out of any excess funds the City of Asheville might have on hand derived from taxes or otherwise other than from ad valoren.

I move the adoption of the foregoing resolution.

C. Fred Brown
Councilman

SECONDED BY: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 27 day of March, 1941.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

There being no further business, the meeting was upon motion, adjourned.

Mayor. Holmes Bryson

Glenn Morris
City Clerk

Thursday, April 3, 1941--4:30 P. M.

The City Council met in regular session Thursday, April 3, 1941, at 4:30 P. M., with Vice-Mayor Lyons Lee presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Lyons Lee.

Minutes of the previous meeting were read and approved.

Resolution authorizing the City Attorney to advise the Civil Aeronautics Authority that sufficient land has been purchased by the City of Asheville, North Carolina to complete the Asheville-Hendersonville Airport was upon motion of Councilmen Etheridge, seconded by Councilmen Bamford, unanimously passed as follws:

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ADVISE THE CIVIL AERONAUTICS AUTHORITY THAT SUFFICIENT LAND HAS BEEN PURCHASED BY THE CITY OF ASHEVILLE, NORTH CAROLINA TO COMPLETE THE ASHEVILLE-HENDERSONVILLE AIRPORT.

WHEREAS, the City of Asheville, North Carolina has purchased tracts of land from individuals in Hooper's Creek Township, Hendersonville County for the purpose of completing the Asheville-Hendersonville Airport; and

WHEREAS, one of the rules and requisites of the Civil Aeronautics Authority is that they be advised by the Chief Legal Officer of the city that said land is purchased and that the said city holds same in fee simple;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Attorney be and he is hereby authorized to certify to the Civil Aeronautics Authority that the land to complete the Asheville-Hendersonville Airport is now purchased by the City of Asheville and said deeds to the specific tracts in Hooper's Creek Township, Hendersonville County have been placed of record in the office of the Register of Deeds at Hendersonville, North Carolina.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 3 day of April, 1941.

L.Lyons Lee
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Notice of claim for personal injury and property damage to Harold Runion was presented by His Attorneys Williams & Cocke in the amount of $30,000 to his person and $500.00 to his property, and ordered referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA (
COUNTY OF BUNCOMBE)
(
HAROLD RUNION,)
Plaintiff (NOTICE OF CLAIM FOR DAMAGES FOR PERSONAL INJURY AND PROPERTY DAMAGE
Vs.)
(
CITY OF ASHEVILLE,)
Defendant. (

TO THE CITY OF ASHEVILLE AND
TO THE HONORABLE MAYOR AND CITY COUNCILMEN OF THE
CITY OF ASHEVILLE:

HAROLD RUNION, of the County of Buncombe, hereby files his claim and notice of claim against the City of Asheville, North Carolina, for damages to his person and property, and to that end hereby sets forth.

1.

That the residence of this claimant is in the County of Buncombe, State of North Carolina, Route #1.

2.

That the date on which the damages and personal injuries were sustained was the 18th day of January, 1941.

3.

That the place of the happening of the accident was on the public highways of Buncombe County, on the Craggy Road, near where said road crosses Reed's Creek and on said highway at the Asheville Paving Company property.

4.

That the damage to the claimant was occasioned by the negligence of the City of Asheville in the operation of one of its paving trucks at said time and place, whereby the said truck negligently and illegally collided with and damaged the automobile driven by this claimant and injured the plaintiff by causing him to have numerous contusions, strains and fracture of his right leg at his knee.

5.

That this claimant was damaged in the amount of $30,000 in his person and $500.00 to his property.

6.

That claimant therefore demands immediate payment by the City of Asheville of the sum of $30,500.00.

WILLIAMS & COCKE
Attorneys for Claimant

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
Vice-Mayor

Glenn Morris
City Clerk.

Thursday, April 10, 1941--4:30 P. M.

The City Council met in regular session Thursday, April 10, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, Vice-Mayor Lyons Lee, Corporation Counsel Philip C. Cocke, Jr., City Manager P. M. Burdette, and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

A letter of thanks was read from the family of J. C. Fitzgerald, Sr., thanking the City Officials for expressions of sympathy at the time of the death of Mr. J. C. Fitzgerald, Sr.

A letter was read from the Associate Arts Studio-Camp announcing that Dean Francis Bradshaw of Chapel Hill would speak on Saturday, April 12, at three o'clock, and inviting the City Officials to be present.

Upon motion, the meeting adjourned.

Mayor.

Glenn Morris
City Clerk

Thursday, April 17, 1941--4:30 P. M.

The City Council met in regular session Thursday, April 17, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

A committee composed of Mr. Edward Roberts, John Ehlie, and Mike Hamrick, from the West Asheville Club, protested to the City Council regarding bus service to and from West Asheville, and stated that the Sand Hill Road, Brevard Road and Malvorn Hills buses had been discontinued. This committee asked that the City Council require adequate service for this section of the City.

Mayor Bryson named a committee to act and confer with the Carolina Power & Light officials as follows:

Vice-Mayor Lyons Lee, J. E. Divelbiss, Jr., and H. G. Etheridge.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor.
Holmes Bryson.

Thursday, April 24, 1941--4:30 P. M.

The City Council met in regular session Thursday, April 24, 1941, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Vice-Mayor Lyons Lee, Chairman of Committee appointed to investigate complaint of the West Asheville Club regarding bus service in that section of the City, said he had no report to make as yet, but a conference had been arranged with the Carolina Power & Light Company officials and the City Officials for the early part of the week.

The meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Mayor
Holmes Bryson.

Thursday, May 1, 1941--4:30 P. M.

The City Council met in regular session Thursday, May 1, 1941, at 4:30 P. M., with Mayor Bryson presiding. Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson were present for the meeting.

Minutes of the previous meeting were read and approved.

Resolution authorizing Mayor to execute quit-claim deed to Charles S. Norburn was upon motion of Councilman Starnes, seconded by Councilman Brown, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO CHARLES S. NORBURN

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, Charles S. Norburn purchased the hereinafter described property: and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOTS	SHEET	WARD	MAKE DEED TO
672	Louis V. Beaudry Est.	134, 153 154	1	3	Charles S. Norburn

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted, this 1 day of May, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Councilman Divelbiss reported that Councilman Brown, City Manager Burdette and Fire Chief Fitzgerald and he had made a survey of the Fire Departments in the City and the equipment of each. He reported that he found six engines ranging in age from five to twenty years and the need for a ladder truck at the West Asheville Station, and suggested the purchase of new equipment for the Central Station, and the transfer of the present truck to the West Asheville Station. Councilman Divelbiss made and interesting and full report for his Committee, of which he is Chairman.

Vice-Mayor Lyons Lee reported for his committee on the Bus Service in W. A. and said that following a conference with the Carolina Power and Light Company officials, it was agreed to add additional buses to West Asheville during the peak hours and to investigate the condition of crowded school buses. He said it was too late to do much this year, as school would soon be out, but before the next term the problem would be gone into thoroughly. He said the Carolina Power & Light Company officials agreed to have a Traffic Expert come here for a a thorough survey of the bus service in the City.

Mayor Bryson asked both committees to continue.

E. W. Pearson asked the Council for a $500.00 donation to the Negro Agriculturial fair. Mayor Bryson appointed Councilman Bamford to work with the City Manager on this request.

The meeting was upon motion, adjourned.

Mayor
Holmes Bryson.

Glenn Morris
City Clerk.

Thursday, May 8, 1941--4:30 P. M.

The City Council met in regular session Thursday, May 8, 1941 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

Resolution entering into contract with the Carolina Power & Light Company for electric power service for the City's Stone Quarry at the Rhododendron Park was upon motion of Vice-Mayor Lyons Lee, seconded by Councilman Starnes, unanimously passed as follows:

The Mayor presented to the Council for consideration and action a proposed written contract with Carolina Power & Light Company for electric power service to the City's stone quarry at or near Rhododendron Park. The said proposed contract was read and discussed.

Thereupon Councilman L. Lyons Lee introduced the following written resolution, and moved its adoption:

BE IT RESOLVED BY THE BOARD OF COUNCILMEN OF THE CITY OF ASHEVILLE, NORTH CAROLINA,

That the Mayor and the City Clerk be, and they are hereby authorized, empowered and directed, in the name of and for and in behalf of the City of Asheville, N. C., to execute and deliver that certain written contract with Carolina Power & Light Company for electric power service to the City's stone quarry at or near Rhododendron Park, which contract is dated May 8, 1941, and provides for the beginning of service on the 21st day of February, 1941, and, in event of notice, ending on the 21st day of February, 1943, to which contract is attached the Company's schedule of rates and rules and regulations covering such service, and which contract has been approved as to form by the Corporation Counsel and read and considered at this meeting.

The motion to adopt the foregoing resolution was seconded by Councilman O. E. Starnes, and, after discussion, a vote was taken and the Mayor announced that the resolution has been duly adopted, there being four votes in favor thereof, and no votes against it.

Holmes Bryson, Mayor

Glenn Morris, City Clerk

Approved as to Form:
Philip C. Cocke, Jr.
Corporation Counsel.

Resolution authorizing the City Manager to advertise for bids for timber on the land owned by the City of Asheville and known as the Cemetary or Pearson Tract was upon motion of Vice-Mayor Lyons Lee, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR TIMBER ON THE LAND OWNED BY THE CITY OF ASHEVILLE AND KNOWN AS THE CEMETARY OR PEARSON TRACT

WHEREAS, the City of Asheville is desirous of selling its timber on the land consisting of 181 acres, more or less, and known as the cemetary or Pearson tract situated on the west side of the French Broad River in the City of Asheville, N. C.;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized and empowered to advertise according to law for the sale of the oak, poplar, white pine, jack pine and other merchantable timber situate on the 181 acres, more or less, belonging to the City of Asheville on the west side of the French Broad River on what is known as the cemetary or Pearson tract.

I move the adoption of the foregoing resolution.

I. Lyons Lee
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 8 day of May, 1941.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing the Mayor to execute lease with General Outdoor Advertising Company was upon motion of Councilman Etheridge, seconded by Councilman Starnes, unanimously adopted, as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE WITH GENERAL OUTDOOR ADVERTISING COMPANY

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place certain sign boards on certain lots designated in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted this 8 day of May, 1941.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion adjourned.

Glenn Morris
City Clerk.

Mayor
Holmes Bryson

Thursday, May 15, 1941--4:30 P. M.

The City Council met in regular session Thursday, May 15, 1941 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. E. Starnes, Vice-Mayor Lyons Lee, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

City Manager P. M. Burdette read the following letter from the Board of Elections of the City of Asheville giving the General City Election Returns for the election held on May 13, 1941:

"Hon. Holmes Bryson
Mayor of the City of Asheville
City Hall
Asheville, N. C.

Dear Sir:

The Board of Elections of the City of Asheville begs to report that at the General City Election for the City of Asheville, duly and regularly held Tuesday, May 13, 1941, the results were as follows:

Holmes Bryson received 2403 votes for City Councilman
L. Lyons Lee received 2414 votes for City Councilman
Carl R. Bamford received 2415 votes for City Councilman
C. Fred Brown received 2405 votes for City Councilman
J. E. Divelbiss, Jr., received 2410 votes for City Councilman
H. G. Etheridge received 2407 votes for City Councilman
O. E. Starnes received 2407 votes for City Councilman
J. H. Boren received 1 vote for City Councilman
Halsey Levitt received 2 votes for City Councilman
Burt Starnes received 2 votes for City Councilman
Gordon Morgan received 1 vote for City Councilman
Harry Love received 1 vote for City Councilman
Don Young received 2 votes for City Councilman
Dan Hill received 1 vote for City Councilman
Fred Alley received 1 vote for City Councilman
Reid Wilson received 1 vote for City Councilman
Charles F. Crow received 1 vote for City Councilman
Wickes Wamboldt received 1 vote for City Councilman
Howard King received 1 vote for City Councilman

We therefore declare the following names persons duly elected Councilmen of the City of Asheville, to-wit:

Holmes Bryson
L. Lyons Lee
Carl R. Bamford
C. Fred Brown
J. E. Divelbiss, Jr.
H. G. Etheridge
O. E. Starnes

We attach hereto the original precinct returns from all precincts in the City of Asheville duly signed by the Judges and Registrars thereof and verified.

We also attach hereto a tabulation of the vote made at a meeting of the Board duly and regularly held at 10 o'clock A. M. Wednesday, May 14, 1941.

S. G. Bernard
C. W. Bradley
Chas. F. Crow

NORTH CAROLINA
BUNCOMBE COUNTY

S. G. BERNARD, CHAS. F. CROW AND CLYDE W. BRADLEY, being first duly sworn depose and say: That the foregoing report is a true and accurate report of the results of the General City Election held in the City of Asheville May 13th, 1941, as the same appeared from the returns of the precinct officials who held said election.

S. G. Bernard
C. W. Bradley
Chas. F. Crow

Subscribed and sworn to before me, this the 14th day of May, 1941.

Margaret Simmons
Notary Public "

My commission expires:

Jan. 6, 1942

The meeting was upon motion, adjourned Sine Die.

Mayor Holmes Bryson

Glenn Morris
City Clerk

Monday, May 19, 1941--10 o'clock A. M.

The re-elected City Council held its reorganization meeting at 10 o'clock, Monday, May 19, 1941 with Mayor Bryson presiding. The Oath of office was administered by Clerk of Superior Court, Mr. J. Ed Swain. Mayor Bryson and Councilman J. E. Divelbiss, Jr. took the oath for the fourth consecutive time, while other members a second and third consecutive time. The Council are as follows:

C. Fred Brown — J. E. Divelbiss, Jr.
Carl R. Bamford — O. E. Starnes
H. G. Etheridge — L. Lyons Lee
Holmes Bryson

Councilman Etheridge read the following statement prepared by Mayor Bryson:

"After studying over the matter of again accepting the Mayorship, I have come to the conclusion that in justice to my family, my business and myself, I should not accept the position again.

I have enjoyed the work. I appreciate my friends wanting me to continue as Mayor, I am grateful for the splendid support of my fellow councilmen have given me and I want to assure you that as a member of the Council I will do all in my power for the betterment of our City and this section.

I want to say to my friends, other than the members of the Council, who have expressed to me during the past few days and through the period of my administration their confidence in me, and who have insisted that I accept the mayorship again, that I will always remember their friendship and confidence, and if I had felt able from a physical standpoint to carry on both in the City and in my own business, I would have done as they have asked me to do, but my family and my physician thought I could not."

Mayor Bryson then said that he would take the honor of nominating Major Lyons Lee as his successor, and it was seconded by Councilman Bamford, and Major Lee was unanimously elected Mayor of the City of Asheville, and was escorted to his seat by Councilman Divelbiss.

The newly elected Mayor spoke of the responsibility placed upon him by the office he was taking, and said when he considered the work done by the former Mayor, and his untiring efforts for the City and community, he realized and appreciated that the office was a highly honorable one, and that Mayor Bryson had filled it with great honor to himself and the City. He pledged the Council and the City his best efforts for the coming administration.

Mayor Lee called for nominations for Vice-Mayor. Upon motion of Councilman Bamford, seconded by Councilman Etheridge, Councilman J. E. Divelbiss, Jr., was nominated and unanimously elected Vice-Mayor.

Vice-Mayor Divelbiss, expressed his deep appreciation for honor imposed upon him by his fellow members of the City Council, and said he was a native Ashevillian and would do everything in his power for his City, but the honor was one he had never expected to have.

Mayor Lee asked for nominations for City Manager. Upon motion of Councilman Divelbiss, seconded by Councilman Starnes Mr. P. M. Burdette was unanimously elected City Manager of the City of Asheville.

Upon motion of Councilman Etheridge, seconded by Councilman Bamford, Mr. Philip C. Cocke, Jr., was unanimously elected Corporation Counsel.

Upon motion of Councilman Brown, seconded by Councilman Starnes, Mrs. Glenn Morris was unanimously elected City Clerk.

Upon motion of Councilman Bryson, seconded by Councilman Etheridge the depositories for City funds, viz, Wachovia Bank & Trust Company, The First National Bank & Trust Co., and the Bank of Asheville, shall remain the same.

Upon motion of Councilman Starnes, seconded by Councilman Bryson, the following list of bonds of City Officials and Employees were voted to remain as below:

P. J. Padgett, Tax Collector	3,000.00
Wm. E. Rector, Desk Sgt.	1,000.00
James W. Weir, Supt of Parks	3,000.00
R. L. Maynard, Supt. of Water Dept.	3,000.00
Mae McFee, Secy Health Dept.	1,000.00
Henry C. Gudger, Supv. Real Estate	1,000.00
William B. Cody, Meter Reader	1,000.00
Pat M. Burdette, City Manager	10,000.00
R. E. Currence, City Accountant	10,000.00
Robert N. Grice, Cashier	2,000.00
R. Dewey Campbell, Elec. Insp.	1,000.00
E. M. Lyda, Asst. Tax Collector	1,000.00
Kristine Gaither, Clk. Public Works	1,000.00

Charles A. Bernil, Chief of Police	1,000.00
A. J. Creasman, Desk Sgt.	1,000.00
Mary E. Rudy, Voucher Clerk	1,000.00
Odell Y. Proctor, Mgr. City Auditorium	2,000.00
Cecil H. Soddy, Bookkeeper	2,000.00
Payne M. Bradley, Cashier	2,000.00
Albert E. Warren, Desk Sgt.	1,000.00
Chas. P. Aiken, Cut Off Man Water Dept.	1,000.00
L. T. Johnson, Collector of Dog Tax	1,000.00
J. Glenn Williams, Cut off man Water Dept.	1,000.00
James O. Watkins, Clerk	1,000.00
Marguerite L. Johnson, Billing Clerk	1,000.00
Estelle L. Lincerfelt, Asst. Cashier	1,000.00
W. L. Chunn, City Acct. Dept.	1,000.00
Forrest P. Thayer, Tax Dept. Collector	1,000.00
Ralph M. James, Mgr. Recreation Park	2,000.00
Pinkey L. Rhodes, Clerk Water Dept.	1,000.00
Robt. E. Nesser, Clk. Police Court	2,000.00
Ernest Ballard, Golf Pro. Mgr.	1,000.00
W. T. Hope, Market Master	1,000.00

Upon motion of Councilman Etheridge, seconded by Councilman Divelbiss, Judge Marshall Orr was nominated and unanimously elected Assistant Judge of the Police Court.

Upon motion of Councilman Divelbiss, seconded by Councilman Etheridge, appointment of Asst. Solicitor of Police Court was held over.

Upon motion of Councilman Divelbiss, seconded by Councilman Starnes, Miss Margaret Simmons was appointed Secretary to the Corporation Counsel.

The City Manager, Mr. P. M. Burdette, Corporation Counsel, Mr. Philip C. Cocke, Jr., and City Clerk, Mrs. Glenn Morris, were administered the oath of office by Clerk of the Superior Court, Mr. J. Ed Swain.

The time of the weekly meetings was upon motion of Councilman Brown, seconded by Councilman Bamford, voted to remain the same as set out in the following resolution.

RESOLUTION

RESOLUTION ESTABLISHING THE TIME AND DAY OF THE WEEKLY MEETING OF THE CITY COUNCIL FOR THE TERMS OF THEIR OFFICE FOR THE YEARS 1941-43 INCLUSIVE

WHEREAS, Article 2, Section 8, of the Charter of the City of Asheville requires that a time and day be set by resolution for the meetings of the City Council during their term of office; and

WHEREAS, they meet at least once a week:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That they hold their regular meetings on Thursday at 4:30 o'clock P. M. of each week during the term of office of this Council.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted this 19th day of May, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

It was moved by Councilman Starnes, seconded by Councilman Etheridge, that the salaries of City Officials remain the same as follows:

Mayor's Salary shall be	$1200.00 per year
Councilmen's salaries	300.00 " "
City Manager's salary shall be	8400.00 " "
Corporation Counsel	3600.00 " "
City Clerk	1800.00

L. Lyons Lee
Mayor

The meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Thursday, May 22, 1941--4:30 P. M.

The City Council met in regular session Thursday, May 22, 1941 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. R. Bamford, C. F. Etheridge, C. A. Starnes, C. Fred Brown, Holmes Bryson, Vice-Mayor J. . Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Upon motion of Councilman Starnes, seconded by Councilman Etheridge, the appointment of Asst. Solicitor of the Police Court was held over.

Resolution regretting the death of Mr. W. Frank Bridgers was upon motion of Councilman Starnes, seconded by Councilman Brown, unanimously passed as follows:

RESOLUTION

RESOLUTION REGRETTING THE DEATH OF MR. W. FRANK BRIDGERS

WHEREAS, on Sunday morning, May 18th, the community was shocked when it was informed of the untimely death of Mr. W. Frank Bridgers, Presiding of the Smoky Mountain Tours Company, injured fatally in an accident in the Great Smoky Mountains National Park; and

WHEREAS, Mr. Bridgers' untimely passing will be felt by every citizen of the City of Asheville, as he was a man devoted to this community and its welfare. In his capacity as President of the Smoky Mountain Tours Company the advertising that he, through personal sacrifice, gave to the City of Asheville and Western North Carolina was more than any one man within our midst; and

WHEREAS, this City Council cannot express in words the loss that this community will feel in the untimely passing of Mr. Bridgers. As a man his character was above reproach and his interity was of the highest. He was beloved by his fellow man and his devotion to his friends was a thing of beauty. He had attained a national reputation as an ambassador of Western North Carolina, and his untiring efforts in the upbuilding of this community was of the highest nature;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That individually and as a governmental body this City Council mourns the loss of W. Frank Bridgers. Asheville has lost a faithful servant, a splendid man and a good citizen.

I move the adoption of the foregoing resolution.

C. A. Starnes
COUNCILMAN

SECONDED BY: C. FRED BROWN
COUNCILMAN

Read, approved and adopted, this 22 day of May, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Councilman Bryson said he would be ungrateful if he did not express his thanks to all the people who helped make the past two years of his term as Mayor of the City of Asheville a success, and he expressed his thanks to the radio station and newspapers for the support they had given him, and said he would like to offer a resolution of thanks, which was seconded by Councilman Brown and unanimously passed.

Mayor L. Lyons Lee thanked Councilman Bryson, and said this was a most timely and appropriate motion.

Upon motion, the meeting was adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, May 29, 1941--4:30 P. M.

The City Council met in regular session Thursday, May 29, 1941, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen H. G. Etheridge, C. Fred Brown, C. B. Bamford, O. E. Starnes, Holmes Bryson, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Ordinance No. 275, Levying, Assessing, Imposing and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning June 1, 1941 and ending May 31, 1942 was put on its first reading and was unanimously passed with the following vote:

Councilman Brown voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye", Councilman Starnes voted "aye", Councilman Bryson Voted "aye", and Mayor Lee voted "aye".

It was moved by Councilman Etheridge, seconded by Councilman Bryson that reading of the ordinance be dispensed with.

Mr. Sanford W. Brown, Attorney presented claim of Ann Ferguson and Sarah Ferguson as follows, which was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

BEFORE THE MAYOR AND COUNCIL
OF THE CITY OF ASHEVILLE

ANN FERGUSON AND SARAH FERGUSON
Plaintiffs,
vs.
CITY OF ASHEVILLE,
Defendant.

NOTICE OF CLAIM

Ann Ferguson and Sarah Ferguson, for their notice and claim against the City of Asheville, state and aver:

1.

That the claimants are the owners of that certain real property situate at 119 Carroll Avenue in the City of Asheville, County of Buncombe, State of North Carolina, and that they make their home at said address.

2.

That on or about the month of June, 1940, the sewer system of the City of Asheville commenced leaking on or near the claimants' aforementioned property and the seepage therefrom did commence filling the basement of the claimants' home at the aforestated address and that said condition did continue despite notice by the claimants to the representatives of the City of Asheville and requests that same be repaired onto and into the month of August, 1940, when same reached its height by flooding the claimants' basement to a depth of four feet and more with sewerage and other waste water and although the claimants again requested that said condition be corrected and although the City of Asheville did place pumps and hose into said basement to pump off a portion of said water, they have permitted said condition to continue and the damage resulting therefrom to grow and increase to the present time all to the increasing injury and damage to the claimants' said property during the three months period preceding the giving of this notice.

3.

That during the three months period immediately preceding hereto the foundation walls of the claimants' residence, on their aforementioned property, having gradually been weakened by the aforementioned seepage of sewerage through same and the floor of the basement of the claimants' said home has been gradually washed away and the understructure of the claimants' said home has been caused to commence to rot from the constant dampness to which it has been and is being subjected and that said home has and is being made uninhabitable by the nauseating stench of the live sewerage standing in the basement of same, that has leaked into said basement from the City of Asheville's said broken sewerage and drainage system, and that all of same is greatly reducing the value of claimants' said property and is completely destroying the use of same for residential purposes all to the great damage of these claimants in the amount of $2,000.00.

4.

That the aforestated damage and nuisance created by the leaking sewerage system of the City of Asheville at said place continues unabated at the present time, although the claimants have repeatedly requested different representatives of said City of Asheville to dig down to its said sewerage and drainage lines and do wjatever is necessary to repair same and thereby correct and abate said nuisance, but that up to the present time nothing has been done in said direction and that for said reason the claimants do hereby request that said nuisance be abated with all possible speed.

WHEREFORE, on the aforestated grounds, the claimants hereby make claim for the following:

1. For damages in the amount of $2,000.00

2. For abatement of said nuisance at once.

3. And for such other and further relief as they may be entitled in the premises.

Sanford W. Brown
ATTORNEY FOR CLAIMANTS

Card was read from the family of Mr. H. W. Plummer, upon the death of the former Mayor and City Manager, expressing thanks for flowers sent by the Mayor, City Council, City Manager, City Attorney, and City Clerk.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, June 5, 1941--4:30 P. M.

Meeting of the City Council was called to order by Mayor L. Lyons Lee, but for lack of a quorum was adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, June 12, 1941--4:30 P. M.

The City Council met in regular session Thursday, June 12, 1941 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen H. G. Etheridge, C. B. Bamford, O. E. Starnes, C. Fred Brown, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Ordinance No. 275, Levying and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning June 1, 1941 and ending May 31, 1942 was put on its second reading with the following votes:

Councilman Brown voted "aye", Councilman Bamford voted "aye", Councilman Etheridge voted "aye" Councilman Starnes voted "aye", and Mayor Lee voted "aye".

Resolution appointing the Library Board for the City of Asheville was upon motion of Councilman Bamford, seconded by Councilman Etheridge unanimously adopted.

RESOLUTION APPOINTING THE LIBRARY BOARD FOR THE CITY OF ASHEVILLE

WHEREAS, the term of office of the present members of the Library Board has expired:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That George H. Wright, Charles K. Robinson, and Miss Annie Westall be and they are hereby appointed as members of the Library Board for a term of two years, or until their successors are appointed.

I move the adoption of the foregoing resolution.

C. B. Bamford
Councilman

SECONDED BY: H. G. Etheridge
Councilman

Read, approved and adopted this 12 day of June, 1941.

Approved as to form:
Philip C. Cocke, Jr., Cor. Counsel

L. Lyons Lee, Mayor
Glenn Morris, City Clerk

Ordinance No. 276, entitled,"AN ORDINANCE ESTABLISHING THE PROCEDURE FOR THE SELECTION OF [illegible] CIVIL SERVICE BOARD CHOSEN BY THE OFFICERS AND EMPLOYEES IN THE CLASSIFIED SERVICE OF THE CITY OF ASHEVILLE: AND BEING FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE AND SAFETY OF THE CITIZENS OF THE CITY OF ASHEVILLE IS DECLARED TO BE AN EMERGENCY ORDINANCE." was put on its first reading with the following vote:

Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Brown voted "aye" Councilman Starnes voted "aye", and Mayor Lee voted "aye".

It was moved by Councilman Brown, seconded by Councilman Bamford that rules be suspended and the ordinance be put on its second and third reading. This motion carried and the Ordinance was then placed on its second reading with the following vote:

Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Brown voted "aye" Councilman Starnes voted "aye", and Mayor Lee voted "aye".

The Ordinance was then put on its third and final reading with the following vote:

Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", and Mayor Lee voted "aye".

The Ordinance was ordered published and will take effect fifteen days after passage.

ORDINANCE NO. 276

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR THE SELECTION OF THE MEMBERS OF THE CIVIL SERVICE BOARD CHOSEN BY THE OFFICERS AND EMPLOYEES IN THE CLASSIFIED SERVICE OF THE CITY OF ASHEVILLE: AND BEING FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE AND SAFETY OF THE CITIZENS OF THE CITY OF ASHEVILLE IS DECLARED TO BE AN EMERGENCY ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That there shall be held on Thursday, June 26, 1941, an election for the third member of the Civil Service Board of the City of Asheville. Partixipants in said election shall be those employees of the City of Asheville in the classified service of said city.

Section 2. That there shall be placed a ballot box in the Central Fire Station of the City of Asheville and a ballot box in the Central Police Station of the City of Asheville at noon Thursday, June 26, 1941, and the Chief of Police and the Chief of the Fire Department shall designate a policeman and a fireman, respectively, to watch said ballot box from 12 o'clock noon until 5 o'clock P. M., during which period of time the voting shall take place.

Section 3. That at 5 o'clock P. M. the said ballot boxes shall be opened, and said ballots counted. That W. C. Hampton, Solicitor of the Police Court, and Ernest M. Isreal shall count said ballots and determine what candidate received the highest number of votes. The candidate who received the highest number of votes shall be declared a member of the Civil Service Board.

Section 4. That Ernest M. Isreal shall conduct said election, and shall keep a polling book, and the names of the members of the classified service of the city who participate in said election shall be registered on said polling book.

Section 5. That ballots shall be printed in the office of the City Accountant in mimeograph form, and each employee in the classified service shall receive at central headquarters of either the Police or Fire Department one ballot. That the voter shall write in the name of his candidate for membership on the Civil Service Board.

Section 6. That the City Manager is hereby authorized and directed to mail to each employee in the classified service of the City of Asheville a written notice of said election, as set out in Section 1, Article 10, of the charter of the City of Asheville.

Section 7. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 8. That this ordinance being for the immediate preservation of the public peace and safety of the citizens of the City of Asheville is hereby declared an emergency ordinance to take effect fifteen days after its passage.

I move the adoption of the foregoing ordinance, this 12th day of June, 1941.

C. R. Bamford
Councilman

Seconded by: C. Fred Brown
Councilman

Read, approved and adopted, this 12th day of June, 1941.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mayor Lee announced that it would be his duty to appoint a member of the Housing Authority to fill the unexpired term of the late Mr. Arthur Dunn. Mayor Lee said he wished to pay tribute to the service rendered by Mr. Dunn. Mayor Lee also announced that the term of Mr. Wayne D. Bramlett which was for one year had expired, and that he would announce these appointments at a later date.

Mayor Lee said he wished to acknowledge the excellent work done by the Housing Authority and said they have rendered a service to the City worthy of recognition, and he was glad to take this opportunity to express appreciation.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, June 19, 1941--4:[illegible] P. M.

The City Council met in regular session Thursday, June 19, 1941, at 4:[illegible] P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen H. G. Etheridge, J. C. Bamford, J. E. [illegible], Sr., C. R. Starnes, City Manager [illegible]. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Mayor L. Lyons Lee announced the appointments of Mr. Walter I. Abernathy to fill the unexpired term of Mr. Arthur E. Dunn on the Housing Authority, whose term expires on June 11, 1943.

Mr. John C. Deshler was appointed to fill the vacancy caused by the term of Mr. Wayne Bramlett expiring June 11, 1941. Mr. Deshler was appointed for a five year period ending June 11, 1946.

[illegible]

Upon motion of Councilman Bamford, seconded by Councilman Sivalbiss, resolution extending the General Revolving fund of the City of Asheville for a period of five years from July 1, 1941 to July 1, 1946 was unanimously adopted as follows:

RESOLUTION EXTENDING THE GENERAL REVOLVING FUND OF THE CITY OF ASHEVILLE FOR A PERIOD OF FIVE YEARS FROM JULY 1, 1941 to JULY 1, 1946

WHEREAS, Section 3, Article 5 of Ordinance 237 provides for the extension of the General Revolving Fund of the City of Asheville for a period of five years from July 1, 1941, if said extension is deemed advisable by the governing body of the City of Asheville; and

WHEREAS, the governing body of the city of Asheville is of the opinion that said Revolving Fund should be extended for a period of five years, as above set out;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the General Revolving Fund of the City of Asheville be and the same is hereby extended from July 1, 1941 to July 1, 1946.

I move the adoption of the foregoing resolution.

C. R. Bamford
Councilman

Seconded by: J. E. Sivalbiss, Jr.
Councilman

Read, approved and adopted, this 19 day of June, 1941.

L. Lyons Lee
Mayor

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Glenn Morris
City Clerk

Resolution authorizing the City Manager to advertise according to law certain property belonging to the City of Asheville to be sold at public auction was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE ACCORDING TO LAW CERTAIN PROPERTY BELONGING TO THE CITY OF ASHEVILLE TO BE SOLD AT PUBLIC AUCTION

WHEREAS, the City Council of the City of Asheville deems it advisable to sell at public auction some of its properties held in fee simple; and

WHEREAS, it is the opinion of the City Council that said properties should be sold for the interests of the city and the public generally, and that same should be sold at the Court House door at public auction;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized to advertise for sale according to law the following property:

Lot 115, Lot 116, Lot 116½, Ward 4, Sheet 2,
Lot 50, Ward 4, Sheet 1,
Lot 23½, Ward 1, Sheet 1,
Lot 1, Ward 6, Sheet 2,
Lot 77, Ward 7, Sheet 2,
Lot 55, Ward 7, Sheet 2,
220 acres of land in Broad River Township

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. C. Etheridge
COUNCILMAN

Read, approved and adopted, this 10 day of June, 1941.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Mr. S. J. Pegran, Attorney, presented claim of Laura Smith for personal injury in the amount of $3,000, which was referred to the Corporation Counsel and City Manager.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

Laura Smith,
Plaintiff))
vs.
NOTICE AND CLAIM FOR
City of Asheville, a municipal)) PERSONAL INJURY
corporation, Defendant))

Tothe Hon. Mayor, City Manager, and members of the City Council:

1.

That the plaintiff is a resident of the City of Asheville and County of Buncombe.

2.

That on Tuesday night, May 27, 1941, about 11:00 P. M., as the plaintiff was on her way to church, she stumbled, caught her foot and was violently thrown upon one of the public streets of the City of Asheville, and was seriously and permanently injured, as will be hereinafter more fully set forth.

That this plaintiff fell over a "man hole" on Gay Street, which is a public street in the City of Ashoville; and that the said City had been grossly negligent in and about the premises where the plaintiff fell to such an extent that said premises became dangerous and were left by said City in a dangerous condition; and that in allowing said condition to exist for over a long period of time, the said City set up and maintained a public as well as a private nuisance to exist in and on one of its public thoroughfares and as a result of the said City's carelessness, this plaintiff was injured.

That this plaintiff has suffered severe permanent internal injuries, as well as injuries to the plaintiff's body, back and limbs; and that this plaintiff was carried to the Mission Hospital where she was treated; and that since the time of said injury and up unto the time of the filing of this Notice and Claim this plaintiff has been confined to her bed, suffering greatly from pain from the injuries which she received; and that plaintiff has had to discontinue her work, and is informed and believes that it will be a very long time before she can continue to work; and that plaintiff, as a result of the injuries suffered has been damaged in the sum of Three Thousand ($3,000) Dollars.

WHEREFORE this plaintiff makes demand, files Notice of Claim for injuries received as a result of the negligence of the said City in the sum of Three Thousand ($3,000.00) Dollars.

S. J. Pegram
Attorney for Plaintiff

Ordinance No. 275, entitled " AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1941 AND ENDING MAY 31, 1942." was introduced for its third and final reading.

Councilman Divelbiss moved that the following amendment be made before the Ordinance was put upon its third and final reading:

"Every person, firm or corporation engaged in operating or placing on location any 1¢ slot machines shall apply for and obtain City Privilege license for each and every machine and shall pay for such license a tax of, per annum ----------$1.25 "

The Ordinance was then put upon its third and final reading with the following vote:

Councilman Divelbiss voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Starnes voted "aye", and Mayor Lee voted "aye".

The Ordinance was ordered published and will become effective July 7, 1941, fifteen days after publication.

ORDINANCE NO. 275

AN ORDINANCE

LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1941, AND ENDING MAY 31, 1942.

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations, or doing the act named, within the corporate limits of the City of Asheville, from the first day of June, 1941, to the thirty-first day of May, 1942, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall except as hereinafter provided, apply for and procure in advance, from the Director of Finance or some one designated by him, for license, and upon the payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3

(a) That any person, firm, or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or of the owner be a firm the names of all members of such firm, or if the owner be a corporation, the names of the officers, including the manager, and the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person interested in or connected with such business, to give evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Begatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jungle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller-Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.

8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Innovations.

9. Pharmacists.

10. Lunch Counters or Restaurants.

11. Hotels, Lodging Houses, or Boarding Houses

12. Soft Drinks.

13. Junk Dealers.

14. Pressing Clubs.

15. Pawnbrokers.

16. Second-hand Dealers.

17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the proceding sub-section unless the City Manager shall be satisfied that the applicant or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine:

1. Pawnbroker ----------$1,000.00
2. Junk Dealers ---------- $1,000.00
3. Electrical Contractors ---------- $1,000.00
4. Electric Sign Contractors and Hangers ---------- $ 500.00
5. Plumbing Contractors ---------- $1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00 ---------- $ 500.00
7. House Movers ---------- $ 500.00
8. Taxicabs ---------- $ 500.00

Section 5

That whenever the word "person" is used in this ordinance, it shall [illegible] "persons", "companies", "corporations" and "associations".

Section 6

Where the amount to be paid for license hereunder is measured by the amount [illegible] to be ascertained, it shall be the duty of persons applying for license to exhibit to the Director of Finance a sworn statement of such gross sales or receipts during the preceding month, quarter, or year, as the case may be, and such other further proof as the Director of Finance may require, and [illegible] and in either case, the Director of Finance shall not be required to accept [illegible] satisfactory proofs are furnished. In case the business for which [illegible] June 1, 1941, and the tax on such business is based upon gross sales or receipts [illegible] license shall be assessed upon the probable gross sales or receipts [illegible] tax due to be paid is determined, such facts to be ascertained, [illegible] be made, and the license based thereon. Provided, however, that the Director of Finance shall [illegible] any time during the period covered by any license to require [illegible] sales and receipts or other determining facts of such business, and [illegible] conformance therewith.

Section 7

When any business is begun after June 1, 1941, the tax in such case [illegible] number of full quarters that have elapsed since June 1, 1941, unless otherwise [illegible] tax. Provided, however, that no license shall be issued for less than [illegible].

Section 8

The adoption of this ordinance or license tax [illegible] alter, increase, or decrease, any or all of the license taxes herein levied, [illegible] taxes, or professions not herein [illegible] at any time. And when any increase is [illegible] unless such increase be paid within thirty days.

Section 9

Should any section, paragraph, [illegible] or parts thereof be declared invalid for any reason the remainder of said ordinance shall not be affected thereby.

A separate license shall be required for each place of business, and each [illegible] license tax is required by this ordinance.

Section 11

Any license issued under this ordinance shall be subject to revocation [illegible] definite time by the City Manager, without refund of any part of the tax paid, if the [illegible] in charge of the business, or employees, shall violate any ordinance or law relating to the business, or be convicted of crime, or if, in the judgment of the City Manager, the licensed [illegible] nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to [illegible] welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct the business. Any person violating this provision shall pay a penalty of fifty dollars ($50.00). Each day any business is conducted after revocation or suspension of license, shall constitute a separate offense.

Section 12

It shall be the duty of the Director of Finance to see that the [illegible] furnish with a list of all unpaid license taxes for the fiscal years of 1941-42, and it shall be the duty of the Police Court to issue warrants for all delinquents, and to prosecute [illegible] pay the same be paid or inflict a penalty as provided in this ordinance.

Section 13

That every person who shall violate any provision of this ordinance, or carry on any business, trade, vocation, or profession on which a license tax has been fixed, without having paid such license tax and procured a license, shall be liable to a penalty of fifty dollars ($50.00) for each offense, and each day such business shall be carried on shall constitute a separate and distinct offense.

Section 14

All license taxes imposed by this ordinance shall be due June 1 of each year, and the tax is levied, and shall become payable upon the date that this ordinance shall become effective, [illegible] thereof in quarterly installments, at the request of the taxpayer; provided, however, that [illegible] tax may be paid in any one installment. If any installment shall not be paid [illegible] tax upon which the same shall become due, then all unpaid installments shall immediately become due and payable, together with a two per cent (2%) penalty per month upon the entire unpaid balance. All licenses issued during the period of this ordinance by September 1, 1941, [illegible] per month of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the two per centum (2%) per month thereof, has been paid. The addition of the two per centum (2%) per month on the amount of said license shall not cover the delinquent from the penalties herein prescribed in case of delinquency.

Section 16

When a license is issued, it is presumed that the location of the business [illegible] is not prohibited by some other ordinance, however, if such is prohibited [illegible] the City Manager has the authority to revoke the license.

" A "

ADAPT [illegible]

For each - - -

AUTOMOBILE, MOTORCYCLE AND MOTOR VEHICLE, DEALERS: AND SERVICE STATIONS:

(a) Automobile Service Stations: Every person, firm, or corporation, engaged in the business of servicing, storing, painting, or upholstering of motor vehicles, trailers, or semi-trailers, or engaged in the business of retailing, selling, and or delivering of any tires, tools, batteries, electrical equipment, automotive accessories or supplies, including radios designed for exclusive use in automobiles, motor fuel and or lubricants or any such commodities, shall pay for each location where such business is carried on, a license tax of, per annum $12.50

(b) Automobile Service Stations, on Sidewalks or Streets: Every person, firm, or corporation, engaged in the business of operating any gasoline or oil pump located on any street or sidewalk, whether such pump is regularly used for the sale of gasoline, or oil, or not, shall pay therefor an annual license tax of,- - -$50.00

PROVIDED, all such tanks must be installed under the direct supervision and according to the instructions of the Director of Public Works. A permit to install same must be obtained from the City Manager. The Council reserves the right, however, to prohibit the installation of such tanks on public property within the congested district of said municipality. This tax is for the right to use the sidewalk and is in addition to taxes levied by this ordinance on Automotive Service Stations.

(c) Automobile Equipment and Supply Dealers at Wholesale: Every person, firm, or corporation, engaged in the business of buying, selling, distributing, exchanging, and or delivering automobile accessories, parts, tires, tools, batteries, and for other autobobile equipment and for other supplies, or any of such commodities at wholesale shall pay for each location where such business is carried on a license tax for every place of business, of per annum - - -

BARREL, CRATE, OR BASKET FACTORIES

Each, per annum - - -

(b) Every person, firm, corporation, or association distributing at wholesale, or jobbing bottled beverages, as enumerated in sub-section (a) shall pay an annual license tax of - - - - - - - - - - - - - - - - $12.50

PROVIDED, however, that where the tax levied under sub-section (a) has been paid on any of the articles, machines, or equipment units enumerated therein, the tax levied under this sub-section shall not apply, nor shall any tax be collected on account of the delivery of the products, beverages, or articles enumerated in sub-section (a), and (b), when a tax has been paid under sub-section (a) or (b).

(c) Aerated, mineral, or other waters, selling or delivering in the City, per annum - - - - - - - $25.00

(d) Every distributing warehouse selling or supplying to retail stores, cereal or carbonated beverages on which the tax has not been paid under the provisions of sub-section (a) of this section shall pay the annual license tax for the privilege of doing business in the City provided in sub-section (b) of this section of $12.50

(e) Each truck, automobile, or other vehicles coming into this City from another State, and selling and or delivering carbonated beverages on which the tax has not been paid under the provisions of sub-section (a) of this section, shall pay an annual license tax for the privilege of doing business in this City, in the sum of $25.00 per truck, automobile, or vehicle. The license secured from the City under this section shall be posted in the cab of the truck, automobile, or vehicle.

BOWIE KNIVES

Any person, firm, or corporation, shall shall keep in stock, or offer for sale, any bowie knives, dirks, daggers, slingshots, loaded canes, or brass, iron, or metallic knuckles, shall pay a license tax, of per annum $200.00

BOWLING ALLEYS

Every person, firm, corporation, association, club, or organization, by whatsoever name called, who shall own, rent, maintain or operate a bowling alley or alleys, shall pay on each alley so owned, rented, kept, maintained, or operated, per annum - - - - - - - - - - - - - - - -

CARBIDE MANUFACTURERS OR DISTRIBUTORS

Every person, firm, or corporation, engaged in the business of manufacturing or selling or distributing carbide, per annum - - -

PROVIDED, further, that a cash deposit of fifty ($50.00) dollars will be required from each circus or exhibition before "setting up" on lot, to defray the expenses of the Sanitary Department for cleaning up the lot used. The actual cost of such cleaning will be charged, and refund will be made in the event of any surplus. A deposit to cover cost of water used from the City supply will be required in accordance with the size of the circus.

CLAIM OR COLLECTION AGENCIES

Every person, firm, corporation or association engaged in the business of operating a collection agency for the purpose of collecting accounts, bills, notes, or any other indebtedness from one person, firm or corporation in favor of another, shall pay a license tax of, per annum - $20.00

PROVIDED, that this section shall not apply to regularly licensed practicing attorney-at-law.

CLEANING AND PRESSING ESTABLISHMENTS

See "Pressing Clubs".

CLEANERS AND DYERS OF HATS

See "Pressing Clubs".

CLOTHING MERCHANTS

Men's and Boys' Apparel

Every person, firm, or corporation selling men's and boys' apparel at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually	$ 5.00
$2,000 and less than $5,000	$10.00
$5,000 and less than $10,000	$15.00
$10,000 and less than $15,000	$20.00
$15,000 and less than $25,000	$25.00
$25,000 and less than $35,000	$30.00
$35,000 and less than $50,000	$40.00
$50,000 and less than $75,000	$50.00
$75,000 and over	$75.00

CLOTHING MERCHANTS

Women's, Misses' and Girls' Apparel

Every person, firm, or corporation selling women's, misses' and girls' apparel at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually	$ 5.00
$2,000 and less than $5,000	$10.00
$5,000 and less than $10,000	$15.00
$10,000 and less than $15,000	$20.00
$15,000 and less than $25,000	$25.00
$25,000 and less than $35,000	$30.00
$35,000 and less than $50,000	$40.00
$50,000 and less than $75,000	$50.00
$75,000 and over	$75.00

CLOTHING -- SECOND-HAND

Dealers in second-hand clothing shall pay a license tax of, per annum - - - - - - - - - - - - - - - $25.00

Provided, that all such dealers shall secure a permit from the Health Officer.

COAL AND COKE DEALERS

(a) WHOLESALE: Every person, firm, or corporation, either as agent or principal, engaged in and conducting the business of selling coal or coke in carload lost, or in greater quantities, shall be deemed a wholesale dealer and shall pay a license tax of, per annum - $75.00

(b) PROVIDED, that if such wholesale dealer shall also sell coal or coke, in less than carload lots, he shall not be subject to the retailers' License tax provided in sub-section (b) hereof.

(c) RETAIL: Every person, firm, or corporation, either as agent or principal, engaged in and conducting the business of selling or delivering coal or coke at retail within the corporate limits of the City of Asheville, shall pay a license tax, of per annum - $75.00

PROVIDED, however, that dealers or peddlers in coal who sell in quantities of 500 lbs. or less shall pay per annum - $25.00

Those who sell in quantities of 100 lbs. or less shall pay, per annum - - - - - - - - - - - - - - - - $ 5.00

NOT PRORATED

COCA COLA, BOTTLING WORKS, MERCHANTS OF

See "Bottling Works"

COFFEE

See "Tea, Coffee, and Sugar"

COFFEE ROASTING

Every person, firm or corporation, operating in or within one or two coffee roasting [illegible] license tax of, per annum - - - - - - - - - - - - - - - - - - -

[illegible]

Every person, firm or corporation, issuing, selling, and or delivering books or other similar devices con[illegible] which coupons or tokens or trade which may be presented at any business house and accepted as a discount, [illegible] purchase, or gift to the holder or to a second trade or patronage shall pay a license tax of, per annum - - - - - $ [illegible]

[illegible]

[illegible] shall pay a license tax, per annum, of- - - - - -

ELEVATORS AND AUTOMATIC SPRINKLER SYSTEMS

Every person, firm or corporation engaged in the business of selling or installing elevators or automatic sprinkler systems shall apply for and procure an annual license for the transaction of such business and shall pay for such license a tax o- - - -

FLOUR, MEAL AND FEED STORES

Every person, firm or corporation whose principal business is the selling of flour, meal and or feed at wh... sale or retail shall pay a license tax of, per annum - - -

[illegible] as a peddler, whether on a route or [illegible] for the amount of taxes levied in this section.

(d) Any person, firm or corporation, who or which sells or offers to sell, from a cart, wagon, truck, [illegible] upon and upon the streets within the City, any fresh fruits and or vegetables [illegible] shall be considered a peddler within the meaning of this section, and shall pay the annual license tax levied in Sub-section (a) of this section in addition to the tax imposed according to the character of vehicle employed.

(e) Any person, firm or corporation, who or which sells or offers for sale, from any railway car, fresh fruits or vegetables, shall be considered a peddler within the meaning of this section and shall pay an annual license tax of - - -

" I "

ICE CREAM -- ITINERANTS SELLING

See "Balloons"

ICE CREAM -- RETAIL MANUFACTURER OR WHOLESALE DEALERS

(a) Each retail dealer, per annum - - -

PROVIDED, that any laundry or other concern doing a gross volume of business of less than $500.00 per month, shall pay a license tax of, per annum - $25.00

PROVIDED, further, that any laundry not employing in excess of four persons, shall pay a license tax of, per annum - 25.00

PROVIDED, also, that this section shall not apply to washer-women.

Every person, firm, or corporation operating what is commonly called a cash and carry office receiving laundry and/or cleaning and pressing shall pay a tax of per annum - - - - - - - - - 12.50

LAUNDRY AGENTS

Ever person, firm or corporation engaged in the business of operating a laundry outside of Asheville, and soliciting laundry business within the City of Asheville through agents, shall pay a license tax of, per annum - 12.50

LAWYERS

Exempt by State Statutes.

LEAFING OF BILLIARD BALLS

Exempt by State Statutes.

LECTURES, PROFESSIONAL

Each lecture where admission is charged, except where solely for charitable, religious, or educational purpose - 50.00

LEMONADE--ITINERANT

See "Balloons".

LEMONADE STANDS

On public occasions, same as "Soft Drinks Stands".

LIFTING MACHINES, BLOWING MACHINES

Each, per day - 50.00

LIGHTNING ROD AGENTS

Each lightning rod dealer having a general office, or selling from a receiving point, shall pay a license tax of, per annum - 10.00

LINEN SERVICE

Every person, firm or corporation renting or placing towels or other linen for a rental or on a fee basis, shall pay a license tax of, per annum - 40.00

LINEN SHOPS

Every person, firm or corporation engaged in business where the principal items sold are linens pay a license tax of, per annum - 25.00

LIVERY STABLES

On every person, firm or corporation, who keeps horses or mules to hire or let, with or without vehicles, or run a hitch and feed stable, a license tax shall be paid of, per annum - - - - - - - - - - - - - - - - - - -

[illegible]

each, per annum - - -

[illegible], [illegible], each person, firm or corporation [illegible] assignment not otherwise taxed or [illegible] [illegible] [illegible]

[illegible]

Each establishment shall pay a license tax of, per annum - - - - - - - - - - - - $100.00

The foregoing tax is not collectible where creamery tax is paid.

PATENT RIGHTS AND FORMULA--DEALERS IN

On every person, firm or corporation, offering for sale any patent or formula, shall be paid a license tax of, per annum - 10.00

PAVERS, PAVING, PLASTER, TUCK, OR STONE SETTERS

See "Contractors"

PAWN BROKERS

See "Brokers, Pawn"

PEANUT AND POPCORN ROASTERS

Every person engaged in the business of operating any peanut or popcorn roaster or stand, shall pay a license tax of, per annum - 10.00

PROVIDED, that when a peanut or popcorn roaster or stand is operated in connection with some other business, the license tax shall only be, per annum - - - - - - - - - - - - 5.00

PEDDLERS OF BOOKS

See "Book Agents"

PEDDLERS--GENERAL

See "Goods, Wares and Merchandise"

PEDDLERS OR VENDORS OF MEDICINE

See "Goods, Wares and Merchandise". Also "Fruits and Produce".

PEDDLING OF FISH

PROHIBITED

PENNY ARCADES OR PARLORS

See "Arcades".

PEPSI-COLA BOTTLING WORKS

See "Bottling Works"

PERFUME AND TOILET ARTICLES, COMPACTS, LIPSTICKS, ETC.

Every person, firm or corporation selling perfume, cologne, toilet water bath salts, compacts, lip sticks, or other toilet articles, shall pay a license tax of, per annum - - - - 5.00

PROVIDED, where the gross sales are less than $500.00 annually, the tax shall be - - 2.50

PET SHOPS

Every person, firm or corporation operating a shop usually known as a "pet shop", or place of business where pets such as dogs, monkeys, cats, birds, fish, white mice, and/or other pets by whatsoever name called, are sold, shall pay a license tax of, per annum - - - 25.00

PHONOGRAPHS

See "Organs"

PHOTOGRAPHERS

Every person, firm or corporation engaged in the business as a photographer, canvasser for any photographer, agent of a photographer in transmitting pictures or photographs to be copied, enlarged or colored, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - 10.00

NOT PRORATED

PHOTOSTAT DEALERS

Every person, firm or corporation making photostatic reproductions or engaged in the business of making photostatic copies for sale, shall pay a license tax of, per annum - - - 25.00

PHRENOLOGISTS

PROHIBITED

PHYSICIANS

Exempt by State Statutes

PIANO OR ORGAN REPAIRERS OR TUNERS

See "Organ Repairers or Tuners"

PICTURE MACHINES -- ADVERTISING BY USE OF

See "Advertising by Use of Picture Machines"

PICTURE MOVING

See "Moving Pictures".

PICTURE, TRAVELING, MOVING, TRAVELING THEATRICAL, VAUDEVILLE, OR TRAVELING [illegible]

Every person, firm or corporation, engaged in the business of a traveling theatrical, traveling moving picture, and or traveling vaudeville company, giving exhibitions or performances in any hall, tent, or other place not duly licensed as a theatre, moving picture or vaudeville house, for the privilege of engaging in such business, shall pay a license tax of $25.00 for each day or part of a day's exhibits or performances.

PROVIDED, that:

(a) Artists, exhibiting paintings or statuary work of their own [illegible], shall only pay - $2.00

(b) Such places of amusement that do not charge more than a total of fifty cents (50¢) for admission at the door, including reserved seat, and shall perform or exhibit continuously in any given place, as much as one week, shall be required to pay $25.00 per week or part of week.

PROVIDED, however, where such amusement company holds an annual statewide license, as provided under Section 103 of the 1941 Revenue Act, such company shall pay $10.00 per week, or part of week, provided such places of amusement do not charge more than a total of 50¢ (fifty cents) for admission at the door as provided for in sub-section B of this section.

(c) The owner of the hall, tent or other place where such amusements are exhibited or performances held shall be liable for the tax.

Application for permit to exhibit must be made in the same manner as herein required of a circus, and no performance shall be given unless permit is granted.

PIPE OR CEMENT BLOCKS

See "Cement Blocks"

PISTOLS

Every person, firm or corporation who is engaged in the business of keeping in stock, selling, and/or offering for sale any of the articles or commodities hereinafter enumerated, shall pay for the following tax per annum:

(a) For pistols - $ 50.00

(b) For bowie knives, dirks, daggers, sling-shots, loaded canes, iron or metallic knuckles, or articles of like kind - - - - - - - - - - - 200.00

(c) Blank cartridge pistols - 25.00

PROVIDED, however, that if such person, firm or corporation deals only in metallic cartridges, the tax shall be, per annum - - - - - - - - - - - - - - - - - - 5.00

PLANTS, BULBS AND EVERGREENS

See "Seeds and Plants"

PLUMBING CONTRACTORS

See "Contractors".

PLUMBING SUPPLIES

Every person, firm or corporation selling plumbing supplies, shall pay a license tax of, per annum (wholesale) - $100.00

PROVIDED, every person, firm or corporation selling plumbing supplies at retail, shall pay a license tax of, per annum - 50.00

PROVIDED, however, where the above license is paid, then the contractor's license shall not be required.

POLES, CROSS-TIES, OR SIMILAR ARTICLES

See "Buying and shipping of"

PONY AND DOG SHOWS

See "Circuses"

POOL ROOMS

See "Billiards"

POULTRY - EGGS

Every person, firm or corporation buying or selling poultry or eggs, at wholesale, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - 20.00

Where poultry and eggs are sold, at wholesale - - - - - - - - - - - 30.00

LOCKS, SAFES AND ELECTRIC LIGHT FIXTURES

See "Electric Light Companies".

PRESSING CLUBS, DRY CLEANING PLANTS, AND HAT BLOCKERS

Every person, firm or corporation engaged in the business of pressing and/or cleaning any article of clothing, re-shaping, cleaning and/or reblocking any hats, shall pay a license tax of, per annum, as follows:

(a) Where not more than three persons are employed - - - - - - - - - - - -	$10.00
(b) Where more than three persons and not more than six persons are employed -	25.00
(c) Where more than six persons are employed - - - - - - - - - - - - - - - -	40.00

Every person, firm or corporation operating what is commonly called a cash and carry office receiving laundry and/or cleaning and pressing shall pay a tax of, per annum - - - - - - - - - - - - - - - - - - -

[illegible] CLOTHING

See "Clothing".

[illegible]

(a) Every person, firm or corporation who or which is engaged in the business of dealing in securities as defined in Section 132 of the 1941 Revenue Act, or who or which maintains a place for or engages in the business of buying and/or selling shares of stock in any corporation, bonds, or any other securities on commission or brokerage, shall pay for the privilege of transacting such business, a license tax of, per annum - - -

STEAM SHOVELS

On each and every steam, gas, or motor driven shovel operated in the City of Asheville, a license tax shall be paid of, per annum - - - - - - - - - - $25.00

NOT PRORATED

STEAM AND GAS FITTES
See "Electrical Contractors", etc.

STENOGRAPHERS, PUBLIC

See "Public Stenographers"

STOCK BROKERS

See "Brokers, Stock"

STOCK YARDS OR PENS

Every person, firm or corporation operating or maintaining a yard or pen where live stock is loaded, unloaded, fed or watered, shall pay on each yard or pen, a license tax of, per annum - - - - - - - - - - - - - - - - $250.00

PROVIDED, that any person, firm or corporation conducting a live stock exchange or market, or engaging in the business of purchasing thd re-selling live stock at auction or otherwise and/ or receiving and shipping live stock, shall pay on each yard, a license tax of, per annum, - - - - - - - - - - - - - - -$75.00

PROVIDED, further, that the provisions of this tax shall not be collected from packing houses, operating or maintaining a stock yard or pen, who have paid the perscribed tax on packing houses.

STOCK AND MERCHANDISE BROKERS

See "Broker, M erchandise and Stock".

STORAGE OR TRANSFER WAREHOUSES

Where a charge is made for storage service, other than cold storage a license tax shall be paid of per annum - - - - - - - - - - - - - - - $50.00

STORM SEWERS, GRADING, PAVING SIDEWALKS AND SEWERS

See "Contractors".

STOVES, RANGES -- INSTALLATION

Every person, firm or corporation selling or offering for sale stoves, ranges, gas or other water heaters, where same is connected with the water system of the City of Asheville, shall pay a license tax of, per annum - - - - - $20.00

It shall be unlawful for any person, firm or corporation to install ranges, stoves, gas or other water heaters where the same is connected with the water system of the city of Asheville, unless such installation is made by a licensed plumber under the provisions of the plumbing ordinance.

SUGAR

See "Tea, Coffee and Sugar".

SUPPLIES FOR TYPEWRITER MACHINES

Agents or dealers in supplies for typewriter machines shall pay a license tax of, per annum -$25.00

SURGEONS -- VETERINARY

Exempt by State Statutes.

SWITCHBACK, RAILROADS OR ROLLER COASTERS

See "Riding Devices".

SYRUP, TABLE

Every person, firm or corporation manufacturing table syrup, shall pay as a license tax, per annum - - - - - - - - - - - - - - - - - - -

TITLE INSURANCE

Every person, firm or corporation engaged in the business of guaranteeing or insuring titles, shall pay a license tax of, per annum - - - - - - - - -$25.00

TOBACCO, CIGARETTES, ETC.

See "Cigars, Cigarettes", etc.

TOBACCO WARDHOUSES

Every person, firm or corporation engaged in the busin ss of operating a warehouse for the sale of leaf tobacco upon commission and occupying a floor space of more than fifteen thousand square feet. shall pay a license tax of, per annum, for each warehouse -$50.00

With less than fifteen t ousand square feet of floor space per annum, each wardhouse - $25.00

NOT PRORATED

TOILET ARTICLES

See "Perfumes", etc.

TOILET ARTICLES -- PEDDLERS OF

SEE "Goods, Wares, and Merchandise".

TOMBSTONES AND MARBLE DEALERS

See "Monuments".

TOURIST CAMPS

See "Boarding Houses".

TOYS

Every peson, firm or corporation selling or distributing toys, shall pay a license tax of, per annum -$5.00

NOT PRORATED

TRADE SHOPS

See "Printing Establishments".

TRALING STAMPS, DEVICES, ETC.

See "Devices".

TRANSFER COMPANIES

See "Drays"

TRANSFER AND STORAGE WAREHOUSES

See "Storage Warehouses"

TRAVEL BUREAUS AND AGENCIES

Every person, firm or corporation engaged in the business of conducting a travl or transportation bureau or agency, shall pay an annual license tax of, per annum .- - - - - - - - - - - - - - - - - - - -

"[illegible]"

[illegible] - - -

as shown on a plat of Forest Side, west of Beaucatcher, recorded in the office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 10 at page 5.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 26 day of June, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, July 3, 1941--4:30 P. M.

The City Council met in regular session Thursday, July 3, 1941, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. R. Bamford, C. Fred Brown, H. G. Etheridge, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Letter was read from Mr. E. M. Isreal and W. C. Hampton reporting that an election was held June 26, 1941 by members of the Police and Fire Departments for the election of a representative to the Civil Service Board for these two departments, and Mr. A. G. Barnett received 105 votes and was duly elected to this office. Mr. A. G. Barnett, and Mr. Wm. Michalove are the other me

Resolution refusing offer of dedication of street shown on Plat Recorded in Plat Book 17 at Page 75 Records of Buncombe County was upon motion of Councilman Starnes, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION REFUSING OFFER OF DEDICATION OF STREET SHOWN ON PLAT RECORDED IN PLAT BOOK 17 AT PAGE 75 RECORDS OF BUNCOMBE COUNTY

WHEREAS, as it appears to the City Council of the City of Asheville that the Consolidated Realty Corporation subdivided certain lands as shown on the plat recorded in Plat Book 17 at page 75, records of plats of Buncombe County, N. C., and that the road shown by said plat along the northern line of said Section Nine has never been opened; and

WHEREAS, said Council has duly considered the offer of dedication of said road by reason of the registration of said plat in Plat Book 17 at Page 75 in the office of the Register of Deeds of Buncombe County, North Carolina; and

WHEREAS, said Council does not consider it wise or expedient to accept the dedication of said road on behalf of the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville refuse to accept the dedication of said road as shown on said plat on behalf of the public.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 3 day of July, 1941.

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Resolution authorizing the City Manager to advertise for sale the [illegible] what is known as the Old Pest House was upon motion of Councilman Brown, [illegible] Etheridge, unanimously passed as folllws:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR SALE THE [illegible] SURROUNDING WHAT IS KNOWN AS THE OLD PEST HOUSE

WHEREAS, the City of Asheville desires to dispose of the cyclone fence surrounding what is known as the Pest House site; and

WHEREAS, the said fence is of no use to the city for [illegible]:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized to advertise for sale pursuant to statute the cyclone fence surrounding the Pest House site owned by the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 3 day of July, 1941.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution appointing Walter R. McGuire as Assistant Solicitor of the Police Court of the City of Asheville was upon motion of Councilman Bamford, seconded by Councilman Brown, unanimously passed as follows:

RESOLUTION APPOINTING WALTER R. MCGUIRE ASSISTANT SOLICITOR OF THE POLICE COURT OF THE CITY OF ASHEVILLE

WHEREAS, a vacancy has occurred in the office of Assistant Solicitor of the Police Court of the City of Asheville; and

WHEREAS, the City Council deems it advisable to fill this office as from time to time it becomes necessary for an Assistant Solicitor to prosecute the cases in the Police Court;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Walter R. McGuire be and he is hereby appointed Assistant Solicitor of the Police Court of the City of Asheville until the third Monday in [illegible], 1943 and till his successor is duly appointed.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted, this 3 day of July, 1941.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution establishing a jointly operated County and City Domestic Relations Court was unanimously passed as follows:

A RESOLUTION ESTABLISHING A JOINTLY OPERATED COUNTY AND CITY DOMESTIC RELATIONS COURT

WHEREAS, the Board of County Commissioners of Buncombe County and the City Council of the City of Asheville deem it advisable to establish a Domestic Relations Court for the County of Buncombe, State of North Carolina for the best interests of the County generally; and

WHEREAS, the governing body of the City of Asheville and the Board of County Commissioners of Buncombe County are authorized to jointly establish such court under Chapter 345 of the Public Laws of 1939, Extra Session 1940; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

(1) That a Domestic Relations Court is authorized under the above mentioned law to be established jointly and in conjunction with the Board of County Commissioners of the County of Buncombe.

(2) That Robert A. Gudger is and he is hereby named Judge of the Domestic Relations Court for a period of two years jointly and in conjunction with action taken by the County Board of Commissioners.

I move the adoption of the foregoing resolution.

H. Grad Brown
COUNCILMAN

SECONDED BY: C. A. Bamford
COUNCILMAN

Read, approved and adopted, this 3 day of July, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Motion was made by Councilman Etheridge that the City Manager be used as a temporary budget for the month of July, 1941 for the sum of $60,000.00 was upon motion of Councilman Etheridge, seconded by Councilman Starnes, unanimously passed as follows:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO USE AS A TEMPORARY BUDGET FOR THE CITY OF CITY, 1941 THE SUM OF $60,000.00

WHEREAS, the new budget for the City of Asheville for the fiscal year 1941-42 has not been completely completed; and

WHEREAS, it is necessary for the City of Asheville to have funds with which to operate for the month of July, 1941:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized and directed to use for the operating expenses of the City of Asheville the sum of $60,000.00 for the month of July, 1941, subject to the approval of the Local Government Commission of Raleigh, North Carolina, a copy of this resolution to be sent to the above mentioned Commission.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

O. M. Starnes
COUNCILMAN

Read, approved and adopted, this 3 day of July, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mr. Burdette reported that a conference had been held with Superintendent of the Southern Railway Company, Mr. John ... Moon, Mayor Lee, Mr. Weir, and himself, at which time the matter of engine whistle blowing down the French Broad River at night was brought to Mr. Moon's attention. Mr. Burdette said the matter had been taken up with the Asheville Superintendent, Mr. F. M. Weir, who had issued a bulletin to all Engineers instructing them not to blow unnecessary blowing of locomotive whistles after entering and leaving the City. The bulletin makes reference to a previous bulletin issued in August 7.

Mr. Mitchell Wolfson, Councilman from Miami Beach, Fla. was introduced by Councilman Bamford, who said that Mr. Wolfson had built a summer home in Montreat and that he and family were here for the summer. Mayor Lee expressed pleasure at having Mr. Wolfson as a visitor, and asked him to take a seat at the table with City Councilmen.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS UPON MOTION ADJOURNED.

L. Lyons Lee
MAYOR.

Glenn Morris
CITY CLERK

Thursday, July 10, 1941--4:30 P. M.

The City Council met in regular session Thursday, July 10, 1941, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. A. Bamford, C. H. Brown, H. G. Etheridge, Tolmas Bryson, J. M. Mickliss, Jr., City Manager J. W. Burdette, Temporary Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Ordinance No. 277 Regulating Solicitations for Charitable, Patriotic, Religious, Educational, or Philanthropic Purposes in the City of Asheville, North Carolina, and the Securing of a Permit for Such Solicitations was put on its first reading and was unanimously passed with the following vote:

Councilman Bamford voted "aye", Councilman Brown voted "aye", Councilman Etheridge voted "aye", Councilman Bryson voted "aye", Councilman Micklbiss voted "aye", and Mayor Lee voted "aye".

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
Mayor

Glenn Morris
Acting City Clerk

Thursday, July 17, 1941--4:30 P. M.

The City Council met in regular session Thursday, July 17, 1941, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen J. E. Divelbiss, Jr., C. R. Bamford, C. Fred Brown, O. S. Starnes, H. G. Etheridge, City Manager P. M. Burdette, Corporation Counsel Hilliard C. Jones, Jr., and Mayor Lee.

The minutes of the previous meeting were read and approved.

Ordinance No. 277 entitled, " AN ORDINANCE REGULATING SOLICITATIONS FOR CHARITABLE, PATRIOTIC, RELIGIOUS, EDUCATIONAL, OR PHILANTHROPIC PURPOSES IN THE CITY OF ASHEVILLE, NORTH CAROLINA, AND THE REVOKING OF A PERMIT FOR SUCH SOLICITATIONS" was put on its second reading and unanimously passed with the following vote:

Councilman Divelbiss voted "aye", Councilman Bamford voted "aye", Councilman Brown voted "aye", Councilman Etheridge voted "aye" Councilman Starnes voted "aye" and Mayor Lee voted "aye".

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, July 24, 1941--4:30 P. M.

The City Council met in regular session Thursday, July 24, 1941 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen H. G. Etheridge, C. R. Bamford, C. Fred Brown, O. S. Starnes, City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

Ordinance No. 277, entitled, " AN ORDINANCE REGULATING SOLICITATIONS FOR CHARITABLE, PATRIOTIC, RELIGIOUS, EDUCATIONAL, OR PHILANTHROPIC PURPOSES IN THE CITY OF ASHEVILLE, NORTH CAROLINA, AND THE REVOKING OF A PERMIT FOR SUCH SOLICITATIONS" was put on its third and final reading, and was unanimously passed with the following vote:

Councilman Bamford voted "aye", Councilman Brown voted "aye" Councilman Etheridge voted "aye", Councilman Starnes voted "aye" and Mayor Lee voted "aye".

The ordinance was ordered published and will become effective the 12th day of August, 1941.

ORDINANCE NO. 277

AN ORDINANCE REGULATING SOLICITATIONS FOR CHARITABLE, PATRIOTIC, RELIGIOUS, EDUCATIONAL, OR PHILANTHROPIC PURPOSES IN THE CITY OF ASHEVILLE, NORTH CAROLINA, AND THE REVOKING OF A PERMIT FOR SUCH SOLICITATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It shall be unlawful for any person, organization, society, association, or corporation, or for any agent, solicitor or representative thereof, directly or indirectly, to solicit money or anything of value, or to sell or offer to sell any article, tag, service order, solicitation, ticket, advertisement, subscription or anything of value, on the plea or the representation that such sale or solicitation, or the proceeds thereof, is for a charitable, educational, religious, patriotic or philanthropic purpose, from door to door, in any office or business building, by house-to-house canvass, or in any other public or private place, by telephone, personal solicitation, by mail, or in any other way, in the City of Asheville, unless such person, organization, society, association or corporation shall have first procured a permit as hereinafter provided in this ordinance: Provided, however, that the provisions of this section shall not apply to any established society, association or corporation that is organized and operated exclusively for religious, educational, philanthropic, benevolent, fraternal, charitable or scientific purposes, not operated for pecuniary profit, where no part of the net earnings of which inures to the benefit of any person, private shareholder or individual, and where

the solicitation of funds is to be conducted solely by bona fide members thereof or officers [illegible], and no part of the proceeds from such solicitation is to be paid to any person other than a bona fide charitable beneficiary named in the application for permit, and no commissions or expenses incurred in connection with such solicitation are to be paid directly or indirectly by the persons soliciting contributions, or of any proceeds therefrom.

Section 2. Any person desiring to make application for a permit to solicit contributions for any charitable, educational, religious, patriotic or philanthropic purpose as described in Section 1 of this ordinance shall make application therefor in writing, and file with the City Manager, at least ten days before the solicitation is to begin, a statement containing the following information:

1. Name and address of applicant for a permit to solicit contributions.

2. Names and addresses of the principal officers of the applicant.

3. The purpose for which the permit to solicit contributions is desired.

4. The name of the person or persons by whom the proposed solicitation will be conducted.

5. The name and address of the person or persons who will receive and account for the money from the solicitation.

6. An outline of the method or method to be used in making the solicitation.

7. The time when and the place where the solicitation will be made, including the beginning and ending dates and hours.

8. The amount and nature of fees, fees, or commissions proposed to be paid to anyone in connection with the solicitation, and the amount of the proceeds to be used directly for the purposes set out in Section 1 hereof by the organization, after deducting the fees, expenses, commissions and other charges to be expended, in connection with, or from the proceeds thereof.

9. A financial statement for the last preceding fiscal year of the organization for the purposes set out in Section 1 hereof by the organization on whose behalf the solicitation is to be made, and the final distribution thereof.

10. A full statement of the character and extent of the activities, religious, educational or philanthropic work carried on by the applicant organization within the City of Asheville.

11. Such other information as may be required by the City Manager in order to determine the kind and character of the proposed solicitation and whether or not the granting of such solicitation is in the interest of protecting the health, life and property of the citizens of the City of Asheville and in the interest of preserving and enforcing good government within the corporate limits of the City of Asheville and its police power.

Section 3. Upon receipt of an application as provided in Section 2 hereof the City Manager shall make or cause to be made such investigation as he shall deem necessary in regard thereto, in order to determine that such proposed solicitation is in fact to be conducted for a worthy charitable, educational, religious, philanthropic or patriotic purpose, and that the proceeds from such solicitation shall be so used, and if the City Manager shall be satisfied that such cause for which such solicitation is to be made is in fact for a worthy charitable, educational, religious, patriotic or philanthropic purpose and that the proceeds derived from such solicitation will be used for such purpose, and that no more than 25 per centum of the gross proceeds from such solicitation shall be used in the promotion expenses of such solicitation and that such solicitation is not promoted or conducted primarily for private profit of its promoters, and that such solicitation will be incompatible with the protection of health, life and property of the citizens of the City of Asheville, then the City Manager shall approve such application and shall issue a permit to such applicant for a proper period.

Section 4. [illegible] shall be void if the [illegible] application and [illegible] parts of the [illegible] which work per[illegible] shall be done [illegible] provided, however, that [illegible] necessary to [illegible] interest [illegible] reference, the City Manager may renew [illegible] with [illegible] right, not to exceed [illegible] calendar days.

Section 5. The City Manager or any committee hereunder by order or [illegible] in the discretion of the City Manager shall be necessary [illegible] this ordinance and the protection of the health, [illegible] City of Asheville.

Section 6. Any permit issued under this ordinance shall be [illegible], upon [illegible] compliance from using or [illegible] of solicitors and [illegible] by the City Manager.

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Section 7. Upon receipt of written information or upon investigation the City Manager shall have [illegible] to believe that the permittee is misrepresenting or making [illegible] statement [illegible], solicitation, or has in the [illegible] in the application, or that [illegible] the solicitation is being conducted or is being conducted in a manner inimical to the [illegible], the City Manager of the City of Asheville and/or [illegible] shall have [illegible] of this ordinance, or representative in any way that any permit [illegible] City shall cease solicitation, then it shall be the duty of the City Manager to [illegible]; provided, however, that before any permit is revoked, the said City Manager shall give the permittee twenty-four hours notice in writing that a hearing is to be had. And that at said hearing the City Manager shall correct the facts, and if any reason above set forth for revoking the permit shall be found to exist the permit shall be revoked.

Section 8. Any person or organization denied a permit, or which has had a permit revoked by the City Manager, may appeal to the City Council.

Section 9. Any person, or organization, society, association or corporation violating any of the provisions of this ordinance shall be subject to a penalty of $50.00 for each and every such offense and each day that any person, organization, society, association or corporation violates the provisions hereof, shall be a separate and distinct offense.

Section 10. If any section, sentence or clause of this ordinance is for any reason held to be unconstitutional and void, such shall not affect the validity of the remaining portions of this ordinance.

Section 11. This ordinance shall be in full force and effect fifteen days after date of publication.

Section 12. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

I move the adoption of the foregoing ordinance, this 10 day of July, 1941

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Holmes Bryson
COUNCILMAN

SECONDED BY: M. R. Etheridge
COUNCILMAN

Read, approved and adopted, this 24 day of July, 1941, to become effective 12 day of August, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Phillip C. Cocke, Jr.
CORPORATION COUNSEL

Claim of Marjorie Brown for personal injuries in the sum of $3,000.00 filed by her Attorney, S. J. Perram and was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

Marjorie Brown, by her Father and Next Friend, Plaintiff, vs. City of Asheville, a municipal corporation, and J. Guard, Defendants

NOTICE OF CLAIM AND DEMAND

To the Hon. Mayor, City Manager, and members of the City Council, and J. Guard:

1.

That the plaintiff is a minor and is fourteen (14) years of age, and resides with her mother, Stella Brown, and that the said claimant is a citizen and resident of Buncombe County and lives at 116 Pine Street in the City of Asheville.

2.

That on the night of July 21, 1941, at about 9:00 o'clock p. m., this minor claimant was running down a public sidewalk which was built, constructed and maintained by the City of Asheville on Pine Street, which is a public thoroughfare in said City, and that said sidewalk is located on the west side of Pine Street, [illegible].

3.

That this minor claimant had reached a point upon said sidewalk approximately one hundred feet (100) distance from the intersection of Pine Street and Lorraine Street, when her head and body suddenly collided with a gate which had been negligently and carelessly left open, and which was a dangerous instrument, and which threw this minor claimant violently to the ground, and that as a result thereof this minor claimant was painfully, seriously and permanently injured, as will be more fully hereinafter set forth.

4.

That this minor claimant alleges and says that said gate had been allowed to swing out and into and on said public thoroughfare for over a period of two years, thereby causing a dangerous condition to exist on one of the public thoroughfares of the City of Asheville, where many persons were accustomed to travel, and that the said City knew, or had cause to know, that said dangerous condition existed as hereinbefore set forth.

5.

That this minor claimant further alleges and says that one J. Guard is the owner of said premises, and had constructed and maintained upon his premises a dangerous condition to exist, and by his negligence and carelessness, along with the combined negligence of the City of Asheville, caused the injuries to this minor claimant, as is hereinafter set forth.

6.

That the negligence of the City of Asheville and the negligence of the defendant, J. Guard, were the direct and proximate causes of the injuries and damages suffered by this minor claimant, and that by their said negligence they created, maintained and established not only a private, but a public nuisance, to exist in one of the public streets of the City of Asheville.

7.

That this minor claimant received injuries to her head; she was knocked unconscious, and is still unconscious at the time of the filing of this Notice and Claim; and that she sustained bruises and injuries to other portions of her body, and that she was taken to the Mission Hospital by the Police Department of the City of Asheville, where medical aid was administered, and that the claimant was greatly shocked and otherwise injured, all of said injuries being caused by the negligence of the City of Asheville and the defendant J. Guard.

WHEREFORE, this claimant makes demand and files Notice with the City of Asheville and one J. Guard for damages in the sum of Three Thousand Dollars ($3,000.00).

This the 24 day of July, 1941

S. J. Perram
Attorney for Plaintiff.

VERIFICATION.

[illegible], mother of Conforde Brown, Minor, being first duly sworn, deposes and says:

That she is the plaintiff in the above entitled action; that she has read the foregoing Complaint and Claim for Personal Injuries and knows the contents thereof; that the same is true of her own knowledge, except as to those matters and things stated therein on information and belief, and as to those matters and things she believes them to be true.

Etelia Brown
Affiant.

[illegible]

[illegible]

To Commission expires:

[illegible], 1941.

Attorney Conford Brown appeared in the interest of residents of Carroll Avenue and stated that the sewer was constantly causing trouble, flooding basements etc., that it was supposedly an underground sewer that had disintegrated. This was referred to the City Manager.

Mr. Rex Ingle, President of the Central Labor Union read a resolution passed by this body in executive session, as follows:

RESOLUTION OF EXECUTIVE COMMITTEE OF ASHEVILLE CENTRAL LABOR UNION REPLYING TO CITY MANAGER PAT BURDETTE'S STATEMENT THAT DEPARTMENT OF PUBLIC SAFETY OVERSPENT ITS BUDGET BECAUSE OF EXPENSES INCURRED IN TWO STRIKES

WHEREAS, Under date of July 15, 1941, The Asheville Times carried a statement from Asheville's City Manager Pat Burdette that the Department of Public Safety over spent its annual budget because of expenses incurred during strikes; and

WHEREAS, During the fiscal year referred to by Manager Burdette, there was only one strike in the City of Asheville, and that affecting only two small automobile garages in which less than a score of employes went on strike, and which was peaceably settled within a very short time, and in which not a single arrest was made, and some time prior to the hour set for the strike, the Chief of Police was advised by the striking Union the hour and date that the strike would take place, and was assured that there would be no violations of the law by the strikers, and specifically requested that if there was a suggestion of any violation on the part of any striker or Union member that if he would direct attention to such alleged violation, that the same would be stopped immediately, if such violation occurred; and

WHEREAS, the only other strike of that year occurred outside of the corporate limits of the City of Asheville five (5) miles or more beyong the limit in which any policeman of Asheville was given the slightest authority by law to perform any duties as a police officer, and in which strike only one arrest was made, and that by a State Highway Patrolman, resulting in a prompt acquittal by the Court at its first session after the arrest with urgent insistence by the arrested defendant that he be given a trial forthwith.

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE ASHEVILLE CENTRAL LABOR UNION:

1. That the City Council be and is hereby petitioned to direct the City Manager to forthwith and immediately furnish a detailed itemized statement of any and all moneys expended by him because of the two (2) strikes aforementioned, and citation of the legal authority given him to expend any money for policing a strike five (5) miles beyong the limits vesting in him authority to direct policemen of the City of Asheville to engage in police work; also the names of policemen detailed to such work and the number of hours that they performed such policemen detailed to such work and the number of hours that they performed such police work.

2. [illegible] of [illegible] on behalf of [illegible] by the American Federation of Labor, [illegible] Buncombe County Central Labor Union, [illegible] citizens, residents of the City of Asheville, [illegible] greatly exceeded [illegible] in the police department [illegible] situation, which was [illegible] extra police [illegible] extended strike, [illegible], and is [illegible] and [illegible] now here the local [illegible] Asheville [illegible] peaceful [illegible] rights.

3. That [illegible] present it is [illegible] appear before the [illegible] application of the Police Powers.

4. That [illegible] petition be drawn to [illegible], and to all Civic and Fraternal [illegible] Asheville, to the Chamber of Commerce, [illegible], to the State Board, [illegible] Editorial Association, to [illegible] individual citizens [illegible] informing the citizens [illegible] that no necessity for [illegible] on account of strikes [illegible] Asheville and Buncombe County.

The Resolution was unanimously passed by the [illegible] Central Labor Union.

[illegible]

Mayor Lee stated [illegible] Proclamation on Daylight Saving Time [illegible] the business firms and individuals in observing this request [illegible] through the Governors and Mayors of each State and City.

Mayor Lee also [illegible] cooperation on behalf of the public in observing the Ordinance just passed, and said without this cooperation the Ordinance would be very difficult to enforce. He said it was a good ordinance meant for the protection of the people, and it is up to the each citizen [illegible] to make it a success.

There being no further business, the meeting was [illegible], adjourned.

L. Lopez Lee
Mayor

Glenn Morris
City [illegible]

Thursday, July 31, 1941--4:30 P. M.

[illegible] session Thursday, July 31, 1941, at 4:30 P. M., with [illegible] present: Councilmen H. G. Etheridge, C. R. Bomford, C. Fred [illegible], [illegible] Lee, City Manager P. M. Burdette, and Corporation Counsel [illegible].

[illegible] meeting were read and approved.

[illegible] Mayor to execute quit-claim deed to W. R. Candler was upon motion [illegible] Councilman Starnes unanimously passed as follows:

RESOLUTION

[illegible] MAYOR TO EXECUTE QUIT-CLAIM DEED TO W. R. CANDLER

[illegible], the City acquired through tax foreclosure proceedings certificates [illegible] various pieces of property for the year 1928; and

[illegible], the General Assembly of North Carolina at its 1935 session enacted [illegible] which authorizes any governmental unit which has obtained title to any real estate [illegible] authority to convey to the original owner said property upon the payment of [illegible], plus interest and $5.00 costs, without advertising same; and

[illegible], W. R. Candler became owner of the hereinafter described property [illegible] tax foreclosure; and

[illegible], the following property was sold at private sale:

[illegible]	LOT	SHEET	WARD	MAKE DEED TO
[illegible] Construction Co.	87½	5	4	W. R. Candler

[illegible], BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF [illegible]:

That the Mayor of the City of Asheville be and he is hereby authorized [illegible] to execute quit-claim deed to the property listed above, as above set out, [illegible] to be turned over to the tax collector of the City of Asheville who will [illegible] to the bidder upon payment of the taxes above referred to, and prior year [illegible], plus interest and costs as above referred to, and listing of the property for [illegible] in which title was vested in the City of Asheville.

[illegible] adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

[illegible], approved and adopted, this 31st day of July, 1941.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
[illegible]
City Attorney

The first annual report of the Housing Authority of the City of Asheville June 11, 1940 to June 11, 1941 was filed with Mayor Lee, and made a part of the minutes as follows:

FIRST ANNUAL REPORT
HOUSING AUTHORITY OF CITY OF ASHEVILLE
JUNE 11, 1940--June 11, 1941

TO THE HONORABLE L. LYONS LEE, MAYOR OF THE CITY OF ASHEVILLE:

Pursuant to the provisions of the North Carolina Housing Act of 1935 and amendments thereto, the Housing Authority of the City of Asheville submits its first annual report of activities for the year ending June 11, 1941, as follows:

On June 11, 1940 Honorable Holmes Bryson, Mayor of the City of Asheville appointed R. L. Ellis, M. J. [illegible], Arthur E. Dunn, A. T. Rust and Wayne Bramlett as commissioners of the Housing Authority of the City of Asheville, the City Council of the City of Asheville having previously adopted a resolution determining that there is a need in the City of Asheville and surrounding territory for a Housing Authority.

The [illegible] thus appointed were duly qualified as such commissioners on June 11, 1940, and on [illegible] later made application to the Secretary of State of North Carolina for a certificate of incorporation which was issued by the Secretary of State on June 12, 1940.

At or [illegible] meeting of this Authority was held [illegible] meeting [illegible] Soon after this meeting Mr. [illegible] was appointed commissioner of the Authority and Mayor Bryson appointed Mr. [illegible] unexpired term of Mr. Ellis. The Authority elected Mr. T. J. [illegible] as its Chairman.

On August [illegible], 1940, Mr. John P. Broome, Director of Division 4, [illegible] Housing Authority, and Mr. E. T. Pairo, Project Architect of the [illegible] Authority, met with the Local Authority for a general discussion of the [illegible] application and the advisability of an earmarking of funds for a low rent [illegible] Asheville. Mr. Broome advised the Authority that it would be [illegible] 1, 1940, but he assured the Authority that every effort would be made to [illegible] Asheville when the funds be made available.

During the month of December, 1940, the Local Authority was advised by the United States Housing Authority that additional funds had been made available, and the Authority was immediately made for the sum of $1,200,000.00. On January 20, 1941, the Authority earmarked $[illegible],000.00 for slum clearance projects in Asheville.

On February [illegible], 1941, the Local Authority elected Mr. [illegible] as Executive Director and Secretary. The Executive Director was instructed immediately the preparation of a formal application to the United States Housing Authority for financial assistance, which application was completed March 31, 1941, and submitted to the United States Housing Authority. During the preparation of this application numerous conferences and representatives of the United States Housing Authority have been held with the Local Authority of sites, after which the Read property on Dorton Avenue near the Asheville High School was selected for the white site, and a portion of the land located between Poplar, Carolina, and Eagle streets was selected for the negro site. A copy of the application containing [illegible] these sites and other information required by the United States Housing Authority is in the files of the Local Authority.

On February [illegible], 1941, a cooperation agreement between the Housing Authority and the City of Asheville, and copies were furnished to the United States Housing Authority.

During the year the following tentative appointment were made by the Local Authority pending the approval of its application and later formal appointments: Mr. [illegible], Architect, Mr. Hubert A. Jarvis, Attorney, Messrs. William C. Adams and [illegible], Land Appraisers. With the approval of the Authority Mr. Henry J. Reiman, Assistant, [illegible] appointment of Mr. Arnold H. Vanderhoof, Land Engineer. All these [illegible] rendered service to date on a contingent basis.

On June 6, 1941, the application of the Local Authority to the United States Housing Authority for financial assistance received presidential approval. Several members of the United States Housing Authority have visited Asheville on numerous occasions in the development of the application, and the various preparations [illegible] the year in the promotion of the housing projects.

When a formal contract has been authorized and executed between the Local Authority and the United States Housing Authority, every effort will be made to expedite the development of these projects as rapidly as possible, including the acquisition of lands and [illegible] of plans and specifications prerequisite to the letting of bids for contracts. In the meantime, all action is being taken as rapidly as authorized by the United States Housing Authority.

During the year covered by this report the Local Authority has operated at a minimum of cost, expending only such funds for secretarial help, supplies, etc., as have been actually necessary. Office rent, furnitute, heat, lights, water and janitor service, [illegible] reasonable cooperation, have been furnished by the City of Asheville without charge. [illegible] expenditures of cash for traveling expenses, secretarial assistance, telephone and telegraph, and supplies, have been furnished by the City of Asheville and the Executive Director, pending the receipt of funds from the United States Housing Authority after which [illegible] reimbursed.

Any further or additional information and reports [illegible] Authority during the year covered by this report which may be [illegible] on request.

Respectfully submitted, for the period June 11, 1940 to June [illegible], 1941, this the [illegible] day of July, 1941.

C. N. Walker
Executive Director (Seal)

There being no further business, the meeting was upon motion, adjourned.

Mayor

[illegible]

Thursday, August 7, 1941--4:30 P. M.

The City Council met in regular session Thursday, August 7, 1941, at 4:30 P. M., with Mayor Lee presiding. Present: Councilmen C. J. Bamford, C. Fred Brown, H. G. Etheridge, C. E. Palmer, Colvert Upton, Glenn Morris, J. . Sevelliss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Motion for authorizing the City Manager to use as a temporary budget for the month of August, 1941, [illegible] was upon motion of Councilman Bryson, seconded by Councilman Bamford, unanimously adopted, as follows:

RESOLUTION

AUTHORIZING THE CITY MANAGER TO USE AS A TEMPORARY BUDGET FOR THE MONTH OF AUGUST, 1941 THE SUM OF $60,000.00

WHEREAS, the new budget for the City of Asheville for the fiscal year 1941-42 has not been completely completed; and

WHEREAS, it is necessary for the city of Asheville to have funds with which to operate for the month of August, 1941;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized and directed to use for the operating expenses of the City of Asheville the sum of $60,000.00 for the month of August, 1941, subject to the approval of the local Government Commission at Raleigh, North Carolina, a copy of this resolution to be sent to the above mentioned commission.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: C. J. Bamford
COUNCILMAN

Read, approved and adopted this 7th day of August, 1941.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Notice of claim of false arrest was filed by Robert Milligan, Attorney for Waco Miller, and was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA
CITY OF ASHEVILLE

IN THE SUPERIOR COURT

WACO MILLER,
Plaintiff

NOTICE--TO CITY OF ASHEVILLE, N. C. THROUGH IT'S CONSTITUTED BOARD OF COUNCILMEN ACTION AGAINST THE CITY OF ASHEVILLE FOR DAMAGES CLAIMED BY ONE WACO MILLER FOR UNLAWFUL INCARCERATION WITHOUT BOND AND FOR CRIMINAL NEGLIGENCE TOWARD THE PERSON OF SAID WACO MILLER BY MEMBERS OF THE POLICE DEPARTMENT EXERCISING JUDICAL POWERS BEYOND THEIR, OR CITY'S

Pursuant to law, take notice that the plaintiff above named, will, within a reasonable time, unless satisfaction be made, institute an action in the Superior Court of Buncombe County, N. C., for damages and humiliation as a result of an unlawful arrest July 16, 1941, in the sum of $10,000 and incarceration exercised by the Police Department of the City of Asheville, N. C., and for the said police department exercising judical powers in meting out punishment for the plaintiff before trial on a charge of peddling so-called obscene literature, which charge is formally denied, and further, that at the time of arrest there was no such literature to be found on the defendant Waco Miller, nor was there any such evidence presented or adduced at the trial in City Police Court after the plaintiff Miller was held in jail over night, without the benefit of making an appearance bond; also held incommunicado from his parents, his personal physician or that of his personal physical attendant, resulting in physical distress and further aggravating a paralytic condition, being absolutely helpless without such attention.

This 4th day of August, 1941.

Waco Miller
Affiant

Robert R. Mullikin
Attorney for the Plaintiff.

North Carolina
Buncombe County

Sworn to and subscribed before me this 5 day of August, 1941.

My Commission expires
Dec. 1946.

Alex P. Digges
Justice of the Peace

Upon motion of C. J. Bamford, [illegible] from the Asheville [illegible] Attorney [illegible] was expressed, and upon motion the [illegible] Mayor Lee, [illegible] was excused.

Councilman [illegible] a motion that a committee be appointed to [illegible] Asheville Bridge, and Vice-Mayor Etheridge stated that Councilman [illegible] that the bridge was not in condition and that it was still expected to [illegible].

Mayor Lee [illegible] -- Councilmen Palmer, Upton, [illegible] present.

There being no other business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor.

[illegible]
City Clerk

Thursday, [illegible]--4:30 P. M.

The City Council met in regular session Thursday, August 14, 1941, at 4:30 P. M., adjourned for lack of a quorum.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

The City Council met in regular session Thursday, August 21, 1941, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, H. G. Etheridge, [illegible] James, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Clerk Glenn Morris.

Minutes of the previous meeting were read and approved.

[illegible]

Resolution authorizing the City Manager to advertise [illegible] belonging to the City of Asheville to be sold at public auction [illegible] Etheridge, seconded by Councilman Bryson, unanimously adopted, as follows:

RESOLUTION

WHEREAS, the Council of the City of Asheville [illegible] CERTAIN PROPERTY OWNED BY THE CITY OF ASHEVILLE

[illegible]

WHEREAS, it is the opinion of the City Council that [illegible] at public auction for its properties [illegible]; and

WHEREAS, it is the opinion of the City Council that [illegible] sold for the best interests of the city and the [illegible], and that the same should be sold at the Court House door at public auction:

NOW, [illegible], BE IT [illegible] CITY [illegible]:

That the City Manager be and he is hereby [illegible] according to law the following property:

Lots 112, 113, 114, 115, [illegible]

I move the adoption of the foregoing resolution.

[illegible]

SECONDED BY: [illegible]

Read, approved and adopted, this 21 [illegible], 1941.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

constituting agreement with the United States relative to operation and [illegible]-Hendersonville Airport was upon motion of Councilman Starnes, seconded by [illegible], unanimously passed as follows:

RESOLUTION

[illegible] AGREEMENT WITH THE UNITED STATES RELATIVE TO OPERATION [illegible]-HENDERSONVILLE AIRPORT

[illegible], Administrator of Civil Aeronautics of the United States Department of [illegible] (herein called the "Administrator"), acting pursuant to the provisions of the [illegible] Act, 1942 (Public Law, 135, 77th Congress, Title II), has approved as a project necessary to national defense a project (herein called the "Project") for [illegible]-Hendersonville Airport (herein called the "Airport"), which [illegible]; and

[illegible] prerequisite to release and operation of the Project, the [illegible] of Asheville (herein called the "City") have title in [illegible] of the Airport and the lands to be improved under the Project [illegible] with the United States (herein called the "Government"), in the [illegible]:

[illegible] legally, financially, and otherwise able to enter into such [illegible] avail itself of the benefits of prosecution of the Project;

[illegible] BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That for and in consideration of development of the Airport by the [illegible] contemplated by the Project, the City does hereby covenant and agree with the [illegible] as follows:

(a) The Government shall have the right to develop the Airport as it sees fit, [illegible] in order to determine the exact nature of the improvements to be made under the Project, the manner in which the Project is to be conducted, the amount of Federal funds to be [illegible], and all matters relating to the Project. The City will cooperate with the Government in assuring prosecution of the Project without interference or hindrance, and [illegible] officers, agents, or employees of the Government, and all persons authorized by [illegible] Director, Airport Area, or Manager of the Airport as the Administrator may deem necessary or desirable in connection with the conduct of the Project.

(b) The City agrees to indemnify and save harmless the Government against and [illegible] all claims and demands which may arise from or in connection with the carrying [illegible] Project, excepting claims for materials furnished or work performed pursuant to [illegible] agreements, employees, or agents of the Government.

(c) It is understood and agreed that all improvements made under the Project shall [illegible] sole and exclusive property of the City, except where specifically agreed otherwise, in writing, prior to the undertaking of the improvement or installation in question.

(d) The City agrees that, continuously during the term of this agreement, the Airport will be operated as such, and for no other purpose, and that unless utilized exclusively [illegible] Government purposes, it will at all times be operated for the use and benefit of the public, [illegible] reasonable and without unjust discrimination, and without grant or exercise of any [illegible] rights for use of the Airport within the meaning of Section 308 of the Civil Aeronautics Act of 1938.

(e) The City agrees that it will at all times during the term of this agreement [illegible] in good [illegible] condition and repair the entire landing area of the Airport [illegible] all improvements, facilities, and equipment which have been or may be made, constructed, or installed with Federal aid, including all improvements made under the Project, other than [illegible] and equipment owned by the Government.

(f) [illegible] as it within its powers and reasonably possible, the City will prevent [illegible] either within or outside the boundaries of the Airport, including the construction, erection, alteration, or growth, of any structure or other object thereon, which [illegible] the landing, take-off, or maneuvering of aircraft at the Airport, [illegible] the use of the Airport.

(g) In order to protect the public interests of the Government under this resolution, the City agrees that it will not enter into any transaction which would operate [illegible] to deprive it of any of the rights and powers necessary to perform any or all of the covenants [illegible] hereby, unless in such transaction the obligation to perform all such covenants is [illegible] another public agency.

Section 2. That the City does hereby warrant and represent to the Government as follows:

(a) That the City has title in fee simple to all the lands comprising the landing area of the Airport and to all lands to be improved under the Project, which lands are shown on the sketch attached hereto as part of Exhibit A, and that said lands are held free from any lien or encumbrance;

(b) That the City has the power and authority to adopt this resolution and to perform all of the covenants contained therein;

(c) That the City is financially and practically able to perform all of the covenants contained in this resolution;

[illegible]

(d) That [illegible] the Corporation Counsel [illegible] are no [illegible] to such action [illegible] made part hereof, [illegible] A.

Section 3. That the Corporation Counsel [illegible] to furnish the [illegible] under said lease [illegible] the Project, [illegible].

Section 4. That [illegible] the owner of any [illegible] contract for any portion [illegible] completion of the [illegible] under the said [illegible] improvement [illegible].

Section 5. That [illegible] the Administrator, [illegible] Regional Director of Civil [illegible] Georgia.

I move the [illegible] the foregoing [illegible].

Read, [illegible] adopted, this [illegible].

[illegible] AS TO [illegible]:

[illegible]

[illegible]

[illegible] the City of [illegible] Asheville by the [illegible] of Civil [illegible] condition precedent [illegible] hereby:

1. [illegible] the landing [illegible] that said [illegible].

2. [illegible] from all of [illegible] Asheville [illegible] condition [illegible].

3. [illegible] which might [illegible] or the performance [illegible] of any of [illegible].

...budget for the City of Asheville for the fiscal year beginning ..., and the recommendation of Councilman Etheridge, seconded by Councilman ..., the following budget was adopted:

BUDGET

...CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1941.

...

...budget for the City of Asheville for the fiscal year beginning July 1, 1941 and ending June 30, 1942, in the amounts hereinafter set forth to be appropriated for the operation of the various departments of the City government and to be expended for the purposes hereinafter set forth:

...	$ 124,251.00
...	17,[illegible].00
...	15,[illegible].00
...	29,[illegible].50
...	[illegible],925.00
...	20,[illegible].00
... service	300.00
...	121,102.00
...	50,[illegible].00
...	219,400.00
...	2,[illegible].00
Total ...	[illegible],[illegible].50

... Service

...	
... - Series ...	370,[illegible]87.00
... - Series ...	11,[illegible].00
... Total	15,400.00
...	500,[illegible]0.00
...	[illegible]7.00
...	1,485,580.50

... COUNCIL OF THE CITY OF ASHEVILLE:

... budget as voted to the City Council by the City Manager on the 21st day of August, 1941 covering the City of Asheville operation and debt service requirements, ... total sum of $1,485,580.50, be approved and the same is hereby adopted ... the City of Asheville for the fiscal year 1941-1942. Except: It is ... ... appropriated in the Water Department that is less than allocated ... not set out in this budget, then such additional net revenue is hereby ... the said purpose, not however to exceed twenty-five thousand dollars.

... the foregoing resolution.

W. W. Etheridge
COUNCIL

...: O. E. Sawyer
COUNCIL

... and adopted this the 21st day of August, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

...:

Philip C. Cocke, Jr.

Ordinance ..., entitled, "An Ordinance ... the fiscal year 1941-1942" was ... of the City of ..., unanimously passed on the first reading ... by Councilman ..., the following vote:

Councilman ... voted "aye". Councilman ... voted "aye", Councilman ... voted "aye" and Mayor Lee voted "aye"

Mayor Lee ... said the fact that the tax ... at the same time last year ... accepted great credit on ... Department of the City's ... Department head for ... water costs to a minimum.

Upon motion of Councilman Etheridge, ... or the property abutting ... of August, ...

... Water Manager, the routine ... .

L. Lyons Lee
Mayor.

Glenn Morris

... .

The ... in regular ... .

... Lee presiding. ... present: ... , Councilman ... , Councilman ... , Councilman

[illegible]

[illegible] Council of the City of Asheville [illegible]
[illegible] regular session of said Council [illegible]

[illegible]

[illegible]

[illegible] and the [illegible]
[illegible] of the City of Asheville for the
[illegible], 1941, inclusive:

[illegible]	$[illegible]31.00
[illegible]	17,142.00
[illegible]	14,[illegible]5.00
[illegible]	[illegible],[illegible]1.70
[illegible]	252,[illegible].60
[illegible]	23,[illegible]0.00
[illegible]	[illegible]0.40
[illegible]	121,1[illegible].00
[illegible]	[illegible],[illegible]1.01
[illegible]	[illegible],[illegible]5.00
[illegible]	21,[illegible]0.10
	[illegible],[illegible]3.50

[illegible]

[illegible]	[illegible],[illegible]7.00	
[illegible]	11,[illegible]6.50	
[illegible]	[illegible],[illegible]0.00	
[illegible]	1,[illegible],[illegible]2	
[illegible]	[illegible],1[illegible].00	
		1,[illegible]5,[illegible]20.50

[illegible] per 1.0.[illegible] valuation upon all property [illegible] grave
[illegible] (being now 100.0 valuation for [illegible] price, a
[illegible]) be and the same is hereby levied, [illegible] to
[illegible] for the year 1941-42 a total of [illegible].

[illegible] of Asheville is hereby authorized to
[illegible] of the City of Asheville and the [illegible]
[illegible] proceeds aforesaid.

[illegible] shall be realized in the event payment
[illegible] is not made by this period, then such penalty [illegible] as
[illegible] of Section 2 hereof [illegible].

[illegible], this 21 day of August, 1941.

[illegible]
CITY CLERK

[illegible]:

[illegible]
CITY CLERK

[illegible], 4 November, 1941, to become [illegible] of
[illegible].

[illegible]
L. Lyons Lee
CITY CLERK

[illegible]
Glenn Norris
CITY CLERK

[illegible]

[illegible] The City Manager in re-routing certain bus lines of the
Carolina [illegible] and the [illegible] of Councilman Cathey, seconded by Councilman Rankin,
unanimously [illegible] [illegible]:

Glenn Morris

J. E. Divelbiss Jr.

Glenn Morris

J. E. Divelbiss, Jr.
Councilm

overning same.

W. C.

C. MEED

, 1951.

L. Lyons Lee

Mayor

Glenn Morris

L. Lyons Lee

Mayor

Glenn Morris, City Clerk

L. Lyon Tee

Glenn Morris

L. Lyon Tee

Glenn Morris

L. Lyon Tee

Glenn Morris

Glenn Morris

Glenn Morris

L. Lyons Lee

Thurman Morris

Thursday, November 6, 1941--4:30 P. M.

The City Council met in regular session Thursday, November 6, 1941, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, H. G. Etheridge, Gary E. Hughes, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

RESOLUTION ON THE DEATH OF
JUDGE ROBERT M. WELLS

Upon motion of Councilman C. Fred Brown, seconded by Councilman Bryson, resolution on the death of Judge Robert M. Wells was unanimously adopted as follows:

RESOLUTION ON THE DEATH OF
JUDGE ROBERT M. WELLS

WHEREAS, the Almighty, in His infinite wisdom on the seventeenth day of October, 1941, called to his Heavenly home, Judge Robert M. Wells; and

WHEREAS, said Robert M. Wells has been a useful citizen of Buncombe County and of the State of North Carolina since his birth in the Leicester section of Buncombe County on the 10th day of October, 1870; and

WHEREAS, said Robert M. Wells has served his city and State as Judge of the Police Court of the City of Asheville, Solicitor of the 19th Judicial District of the State of North Carolina, and Mayor of the City of Asheville; and

WHEREAS, said Robert M. Wells, in addition to his service as a public servant, where he always stood ready and willing to help the poor and oppressed; and

WHEREAS, the people of his County and District demonstrated their love and affection for him by their overwhelming vote when his name was offered at the polls, and more especially by the largest vote received in the election of the City Council; and

WHEREAS, we, his friends worked with him in the administration of the affairs of the City of Asheville while he served as its Mayor from 1935 until 1938:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Asheville, as a governing body and as individual members thereof, regret the passing of a true friend and fellow worker, and acknowledge the loss to this City and this State of a great and earnest citizen.

The City Council of the City of Asheville extends to the family of the late Judge Robert M. Wells their sincere condolence in their berevement.

Let a copy of this Resolution be spread upon the Minutes of the City Council of the City of Asheville, a copy be sent to the family of the late Robert M. Wells, and copies be sent to each of the local newspapers.

This the 6th day of November, 1941.

L. Lyons Lee
Mayor

J. E. Divelbiss, Jr.
Vice-Mayor

C. Fred Brown
Councilman

Holmes Bryson
Councilman

Gary E. Hughes
Councilman

H. G. Etheridge
Councilman

O. E. Starnes
Councilman

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, November 13, 1941--4:30 P. M.

The City Council met in regular session Thursday, November 13, 1941, at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr. presiding. Present: Councilmen C. Fred Brown, O. E. Starnes, Gary E. Hughes, Vice-Mayor J. E. Divelbiss, Jr., and City Manager P. M. Burdette.

Minutes of the previous meeting were read and approved.

Upon motion of Councilman Brown, seconded by Councilman Starnes, all bids received for certain city property at the sale held on October 29, 1941 in front of the Court House door were rejected. This motion was unanimously adopted.

Councilman Starnes stated that Thanksgiving Day fell on the regular Council meeting day and moved that the regular meeting be held on Wednesday, November 19th. This motion was seconded by Councilman Hughes and unanimously passed.

Resolution authorizing Mayor to execute quit-claim deed to F. W. Thomas and wife, Helen J. Thomas, was upon motion of Councilman Brown, seconded by Councilman Hughes, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO F. W. THOMAS AND WIFE, HELEN J. THOMAS

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
2732	F. W. Thomas	47	4	6	F. W. Thomas and wife, Helen J. Thomas

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: Gary E. Hughes
COUNCILMAN

Read, approved and adopted, this 13th day of November, 1941.

J. E. Divelbiss, Jr.
VICE-MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mr. Henry C. Fisher and a delegation of private airplane pilots appeared before the Council to discuss the question of method of operating the Asheville-Hendersonville Airport. However, Mr. Burdette explained that the committee appointed for this purpose was not ready to make a recommendation to the Council at this time.

There being no further business, the meeting was upon motion adjourned.

Glenn Morris
~~Acting~~ City Clerk

Vice-Mayor
J. E. Divelbiss Jr.

Wednesday, November 19, 1941-4:30 P. M.

The City Council met in regular session Wednesday, by vote of the Council, as the regular meeting date fell on Thanksviging Day, Nov. 19, 1941, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilman Holmes Bryson, C. Fred Brown, O. E. Starnes, Gary E. Hughes, City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

Notice of claim of Mary Hodges for alleged personal injuries was filed with the City Council and referred to the City Manager and Corporation Counsel, as follows:

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE (
)
MARY HODGES (
)
Plaintiff (NOTICE AND CLAIM FOR PERSONAL INJURIES
)
vs. (
)
CITY OF ASHEVILLE, a Municipal Corporation (
)
Defendant

To the Hon. Mayor, City Manager, and members of the City Council:

1.

That the plaintiff is a resident of the City of Asheville and County of Buncombe.

2.

That on Sunday night, November 9, 1941, about 8 P. M., this plaintiff was severely and permanently injured when she fell in a water meter on Valley Street. That said meter is located on the West side of Valley Street just above where Valley Street intersects with Eagle Street; and that the same is located on the sidewalk where pedestrians usually travel.

3.

That the said plaintiff was taken to the Mission Hospital by the City Police immediately after she fell and that since the time of sustaining these injuries which consisted of severe and painful injuries of her entire body and limbs--a wtenched back and severe shock, the plaintiff has been confined to her bed under the treatment of a physician; and that this plaintiff has suffered greatly and will continue to suffer as she is advised and believes over a long period of time; and that said injuries thus inflicted were directly caused by the negligence of the City of Asheville, the defendant.

4.

The place where the plaintiff was injured was a public thoroughfare. It was the duty of said defendant City to keep said thoroughfare in a safe condition and that the said defendant City was grossly neglugent in that the said City allowed said street to become dangerous and allowed said street to continue in a dangerous condition after said City knew of this dangerous condition; and that the City permitted and maintained a public and private nuisance to exist on one of its public thoroughdares and as a result of said nuisance, this plaintiff sustained injuries as above set forth.

WHEREFORE THIS PLAINTIFF MAKES DEMAND AND CLAIM against the City of Asheville for the sum Five Thousand Dollars ($5,000.00)

S. J. Pegram
Attorney for Plaintiff

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE : VERIFICATION
)

MARY HODGES, being first duly sworn, deposes and says:

That she is the plaintiff in the above-entitled action; that she has read the foregoing Notice and Claim for Personal Injuries and knows that the contents thereof; that the same is true of her own knowledge, except as to those matters and things stated therein upon information and belief, and as to those matters and things she believes it to be true.

Mary Hodges
Affaint

Sworn to and subscribed before me this the 19th day of Nov. 1941.

My Commission expires:
June 10, 1943.

Juanita Ensley
Notary Public

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

November 27, 1941--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

December 4, 1941--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

December 11, 1941--4:30 P. M.

The City Council met in regular session Thursday, December 11, 1941, at 4:30 P. M., with Councilman Holmes Bryson presiding upon motion of Councilman Starnes, seconded by Councilman Brown as Mayor L. Lyons Lee was absent from the City, as was Vice-Mayor J. E. Divelbiss, Jr.

Present for the meeting were: Councilmen Gary E. Hughes, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Councilman Bryson.

Minutes of the previous meeting was read and approved.

No business was transacted, and upon motion, the meeting adjourned.

Holmes Bryson
Mayor Pro Tem

Glenn Morris
City Clerk

Thursday, December 18, 1941--4:30 P. M.

The City Council met in regular session Thursday, December 18, 1941 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, Gary E. Hughes, C. Fred Brown, O. E. Starnes, City Manager P. W. Burdette, Corporation Counsel Philip C. Cocke, Jr., Vice-Mayor J. E. Divelbiss, Jr. and Mayor Lee.

Minutes of the previous meeting were read and approved after correction was made as follows:- "Upon motion of Councilman Starnes, seconded by Councilman Brown, Councilmen Bryson was named to preside in the absence of Mayor L. Lyons Lee and Vice-Mayor J. E. Divelbiss, Jr."

Upon motion of Councilmen Brown, seconded by Councilman Hughes, resolution authorizing the purchase of four hundred Parking Meters for the City of Asheville was unanimously adopted as follows:

RESOLUTION AUTHORIZING PURCHASE OF FOUR HUNDRED PARKING METERS FOR THE CITY OF ASHEVILLE

WHEREAS, the City Council of the City of Asheville has by resolution on the 25th day of September, 1941, authorized the advertisement for bids for all different kinds of parking meters; and

WHEREAS, a number of bids for a number of different types of parking meters, both manual and automatic, having been received by the City of Asheville; and

WHEREAS, after dur consideration the City Council of the City of Asheville has deemed it for the best interests of the City of Asheville generally to accept the bid hereto received from The Michaels Art Bronze Company, Incorporated of Covington, Kentucky; and

WHEREAS, there has been prepared a contract covering the different items in the bid of the company mentioned above, and in said contract the number of meters, price to be paid, maintenance, cost of delivery, installation, etc., is fully set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and directed to enter into a contract to purchase for the City of Asheville from The Michaels Art Bronze Company four hundred parking meters of Type Five as mentioned in the bid heretofore received from said company, and as set out in the contract by and between the City of Asheville and the Michaels Art Bronze Company, said contract being attached hereto abd made a part of this resolution.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY. Gary E. Hughes
COUNCILMAN

Read, approved and adopted, this 18 day of December, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing Mayor to execute quit-claim deed to J. B. Nixon and wife, Lucille D. Nixon was upon motion of Councilman Starnes, seconded by Councilman Hughes, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO J. B. NIXON AND WIFE, LUCILLE D. NIXON

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
1365	J. B. Nixon & wife Lucile D.	130	3	4	J. B. Nixon and wife, Lucille D. Nixon

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: Gary E. Hughes
COUNCILMAN

Read, approved and adopted, this 18 day of December, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing Mayor to execute deed to J. K. Buckner and wife, Athlene L. Buckner was upon motion of Councilman Divelbiss, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE DEED TO J. K. BUCKNER AND WIFE, ATHLENE L. BUCKNER

WHEREAS, on the 1st day of December, 1941 the City of Asheville sold at the Court House door of Buncombe County to J. K. Buckner certain property hereinafter described, which property had been advertised as required by law, said J. K. Buckner being the highest bidder for said property, said bid being in the sum of $150.00; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a deed, attested by the City Clerk, to J. K. Buckner and wife, Athlene L. Buckner for the following described property:

Lot 165, Sheet 9 Haw Creek

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 18 day of December, 1941.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Upon motion of Councilman Starnes, seconded by Councilman Divelbiss, next week's meeting will be held on Tuesday at 4:30 P. M., as Christmas falls on the regular day. Motion unanimously carried.

Attorney James S. Howell presented the following claim of his client Mrs. J. P. Massey for alleged personal injuries for $500.00. This claim was referred to the City Manager and Corporation Counsel.

TO THE HONORABLE MAYOR, CITY MANAGER, AND COUNCILMEN OF THE CITY OF ASHEVILLE, NORTH CAROLINA

You will please take notice, that the undersigned, Mrs. J. P. Massey, of 46 Clyde Street, Asheville, N. C., by and through James S. Howell, her attorney, pursuant to Section 244 of the City Charter of the City of Asheville, hereby claims and demands damages from the City of Asheville by reason of personal injuries sustained by her on Friday, November 28, 1941, at about 6:30 P. M., at which time the said Mrs. J. P. Massey stepped into a hole, in the street, close to #17 Clyde Street, in the City of Asheville, North Carolina.

There are no sidewalks on Clyde Street and the street light which was ordinarily on had not been burning for several days, and due to the fact that this claimant had to walk in the street she stepped into the depression or hole and was thrown violently to the ground, resulting in sprained left ankle, skinned knee, cracked ribs, right shoulder wrenched, and damages to wearing apparel.

That this claimant remained away from her work for several days. Claimant returned to her work despite her injuries.

That the said hole was negligently permitted to remain in Clyde Street by the employees of the City of Asheville for some time prior to the injuries sustained by this claimant, and as a result of the negligence of the employees of the City of Asheville, in failing to reasonably inspect and repair the hole in said Street so that the same would be level and safe for pedestrians, and more especially for this claimant in the night time, said claimant has been greatly damaged, temporarily deprived of her earning power, incurred expenses for medical attention, great inconvenience, pain and suffering due to her injuries, all due by the negligence of the agents and employees of the City of Asheville, and she hereby respectfully presents claim and demands payment of the sum of Five Hundred ($500.00) Dollars.

Mrs. J. P. Massey

By James S. Howell
Attorney

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Tuesday December 22, 1941--4:30 P. M.

Because of a lack of a quorum, no meeting was held on the above date.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Friday, January 2, 1942--4:30 P. M.

The City Council met in regular session Friday, January 2, 1942, with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

No new business was introduced, therefore, the meeting upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, January 8, 1942--4:30 P. M.

The City Council met in regular session Thursday, January 8, 1942, with Mayor Pro Tem Holmes Bryson presiding. Present: Councilmen C. Fred Brown, Gary E. Hughes, O. E. Starnes, and Holmes Bryson. City Manager P. M. Burdette, and Corporation Counsel Philip C. Cooke, Jr., were present.

Minutes of the previous meeting were read and approved.

BIDS ON CITY PROPERTY REJECTED

Councilman Starnes moved that all bids on real estate authorized to be sold by the City Manager on December 19, 1941, be rejected, and to readvertise either in whole or in part at the discretion of the City Manager, seconded by Councilman Bryson, voted on and unanimously passed.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Mayor Pro tem

Glenn Morris
City Clerk

Thursday, January 15, 1942--4:30 P. M.

The City Council met in regular session Thursday, January 15, 1942, at 4:30 P. M., with Mayor Lee presiding. Present: Councilmen C. Fred Brown, O. E. Starnes, Gary E. Hughes, Vice-Mayor J. E. Divelbiss, Jr., Mayor L. Lyons Lee, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr.

Minutes of the previous meeting were read and approved.

[illegible]

Ordinance No. 281, An Ordinance Amending Ordinance No. 248, Being, "AN ORDINANCE REQUIRING THE OPERATORS OF TAXICABS OR JITNEY BUSES, OTHER THAN TAXICABS OR JITNEY BUSES OPERATED UNDER THE JURISDICTION OF THE UTILITIES COMMISSION OF THE STATE OF NORTH CAROLINA, TO TAKE OUT AND CARRY PUBLIC LIABILITY INSURANCE OR SURETY BOND", was put on its first reading with the following vote:

Councilman Hughes voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", Councilman Divelbiss voted "aye" and Mayor Lee voted "aye".

[illegible]

Ordinance No. 282, entitled, "AN ORDINANCE REGULATING TAXICABS AND REGULATING THE LICENSING OF TAXICAB DRIVERS" was put on its first reading with the following vote:

Councilmen Hughes voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", Councilman Divelbiss voted "aye" and Mayor Lee voted "aye".

Petition from the pilots using the Asheville-Hendersonville Airport was read to the Council by Mr. Herschel Harkins, in which the Council was praised for its efforts to obtain the enlarged and modernized airport, and setforth the pitfalls of leasing the Airport to private management for fabulous development in commercial and private aviation is sure to come after the war, it was stated Harkins was thanked for presenting the views of the pilots and assured they would be given every consideration in making plans for the operation of the Airport.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, January 22, 1942--4:30 P. M.

The City Council met in regular session Thursday, January 22, 1942 at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr. presiding. Present: Councilmen Holmes Bryson, Gary E. Hughes, C. Fred Brown, O. E. Starnes, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Divelbiss.

Minutes of the previous meeting were read and approved.

Ordinance No. 281, entitled "An Ordinance amending Ordinance No. 248, being ' An Ordinance requiring the operators of Taxicabs or Jitney Buses, other than taxicabs or Jitney Buses operated under the Jurisdiction of the Utilities Commission of the State of North Carolina, to take out and carry public liability insurance or surety bond was put on its second reading with the following vote:

Councilmen Brown voted "aye", Councilman Bryson voted "aye", Councilman Starnes voted "aye", Councilman Hughes voted "aye", and Vice-Mayor Divelbiss voted "aye"

Ordinance No. 282, entitled, "An Ordinance regulating taxicabs and regulating the Licensing of taxicab drivers was put on its second reading with the following vote:

Councilman Brown voted "aye", Councilman Bryson voted "aye", Councilman Starnes voted "aye", Councilman Hughes voted "aye", and Vice-Mayor Divelbiss voted "aye".

Mr. W. T. Rowland appeared before the Council with the following complaint, which was referred to the City Manager.

"I own an old residence which I rent and furnish lights and water. This is the only way I can rent this property. The Carolina Power & Light Company are charging me what is termed their commercial rate, which is a much higher rate than I pay where I reside. Under the circumstances, I cannot see this differential; hence, to this, your attention is respectfully called."

There being no further business, the meeting was upon motion, adjourned.

Vice-Mayor

Glenn Morris
City Clerk

January 29, 1942--4:30 P. M.

The City Council met in regular session Thursday, January 29, 1942, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, Vice-Mayor J. E. Divelbiss, Mayor Lee, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr.

Minutes of the previous meeting were read and approved.

Ordinance No. 281, entitled ' AN ORDINANCE AMENDING ORDINANCE NO. 248, BEING " AN ORDINANCE REQUIRING THE OPERATORS OF TAXICABS OR JITNEY BUSES, OTHER THAN TAXICABS OR JITNEY BUSES OPERATED UNDER THE JURISDICTION OF THE UTILITIES COMMISSION OF THE STATE OF NORTH CAROLINA, TO TAKE OUT AND CARRY PUBLIC LIABILITY INSURANCE OR SURETY BOND." was put on its third and final reading with the following vote:

Councilman Bryson voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye" Councilman Hughes voted "aye", Vice-Mayor Divelbiss voted "aye", and Mayor Lee voted "aye".

The ordinance was ordered published and will become effective February 15, 1942.

ORDINANCE NO. 281

AN ORDINANCE AMENDING ORDINANCE NO. 248, BEING "AN ORDINANCE REQUIRING THE OPERATORS OF TAXICABS OR JITNEY BUSES, OTHER THAN TAXICABS OR JITNEY BUSES OPERATED UNDER THE JURISDICTION OF THE UTILITIES COMMISSION OF THE STATE OF NORTH CAROLINA, TO TAKE OUT AND CARRY PUBLIC LIABILITY INSURANCE OR SURETY BOND".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Ordinance 248 be amended by inserting a section to be known as Section 1A after section 1 as follows:

If any person, firm or corporation sails to qualify as a taxicab or jitney bus operator under Section 1 of Ordinance 248 they may qualify by the following:

(1) Depositing with the Clerk of Superior Court of Buncombe County the sum of One Hundred Fifty ($150.00) Dollars per vehicle operated.

(2) An additional deposit of Five ($5.00) Dollars per month on each vehicle operated until the amount of Five Thousand ($5,000.00) Dollars is accumulated, and then in that event if a judgment be had, as set out in Ordinance 248, and the fund diminished, the operator must immediately begin payments until the fund again reaches the sum of Five Thousand ($5,000.00) Dollars; provided, that if a judgment is secured against an operator, as set out in this ordinance and Ordinance 248, and there is not a sufficient amount of money in the sinking fund to pay off said judgment the operator shall pay said judgment in full before resuming operation, and said operator shall begin said sinking fund anew, and the same liability as set out in Ordinance 248 and all requisites therein shall apply to operators qualifying under this section.

Section 2. T hat this ordinance shall be in full force and effect immediately upon adoption and its publication, as provided by law.

I move the adoption of the foregoing ordinance, this 15 day of January, 1942.

O. E. Starnes
Councilman

Seconded by: C. Fred Brown
Councilman

Read, approved and adopted, this 29 day of January, 1942, to become effective the 15 day of Feburary, 1942.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Ordinance No. 282--

Ordinance No. 282, entitled, "AN ORDINANCE REGULATING TAXICABS AND REGULATING THE LICENSING OF TAXICAB DRIVERS" was presented and upon motion of Councilman Divelbiss, seconded by Councilman Brown, the Ordinance unanimously voted to be held over until the next regular meeting.

Representatives from the Child Welfare Board appeared before the City Council with the request that more recreational facilities for negros of the City be furnished, with special request for lights, a swimming pool, and recreational leader for the Negro Park. Mr. Junius Allison was spokesman for the group. Mrs. John Hursey also spoke. This was referred to the City Manager.

Mr. Joseph Pelle, Attorney, presented claim for his client Mrs. Rachel Ehrlich for alleges personal injuries for $10,000. This claim was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

RACHEL EHRLICH) NOTICE OF CLAIM FOR DAMAGES
vs * AND FOR PERSONAL INJURY
CITY OF ASHEVILLE)

TO THE HONORABLE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ASHEVILLE:

Rachel Ehrlich hereby files her claim and notice of claim against the City of Asheville for damages and for personal injuries sustained, and to that end sets forth as follows:

1. That the date on which the injuries and damages were sustained by her was on Thursday, December 25, 1941, at or about 6:15 o'clock P. M.

2. That the place of the happening or infliction of said injuries was in the City of Asheville at the Northwest corner of Merrimon and Maney Avenues.

3. That the manner in which said injuries were inflicted is as follows:

That the claimant, Rachel Ehrlich, alighted from the bus on the east side of Merrimon Avenue and walked in a westerly direction for the purpose of entering Maney Avenue, on which street she resides; that as she placed one foot on the sidewalk the loose broken slabs of concrete thereon slipped from under her feet and she feel on the hard concrete and received the injuries hereinafter described; that the loose rock and broken concrete had been allowed to remain in that condition for several weeks at the edge of the sidewalk, as claimant ascertained.

4. That the character of the injuries sustained by the claimant as the result of the negligence of the said City were as follows:

A severe complete fracture through the neck of the right humerus and through the head of the same bone; a hematoma, the size of a small grape fruit developed over the site of the injury; large ecchymotic areas present in both breasts; large abrasions on the right knee. That as the result of said injuries, this claimant was compelled to enter a hospital and to seek medical treatment and suffered and now suffers great pain and mental anguish, and in addition to said injuries but as a result thereof, this claimant has developed a bad heard condition necessitating the administering of heart stimulants. Furthermore, this claimant has been and is now compelled to continue medical treatment as the result of said injuries, which injuries are permanent and will totally disable her for a period of several months.

This claimant has been damaged by virtue of said injuries, physical suffering and expenses incurred, in the sum of Ten Thousand ($10,000.00) Dollars; that the amount of damages claimed against the City of Asheville is for the sum of $10,000.00 payment for which this claimant demands immediately.

This the 28th day of January, 1942.

Mrs. Rachel Ehrlich
Claimant.

Mr. James S. Howell, Attorney filed for his client Gertrude Smith the following claim for alleged personal injuries, which claim was referred to the City Manager and Corporation Counsel.

TO THE HONORABLE MAYOR, CITY MANAGER, AND COUNCILMEN OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

You will please take notice, that the undersigned, Gertrude Smith, of 113 Cherry Street, Asheville, N. C. by and through James S. Howell, her attorney, pursuant to Section 244 of the City Charter of the City of Asheville, hereby claims and demands damages from the City of Asheville by reason of personal injuries sustained by her on Saturday, January 3, 1942, at about 7 P. M., at which time the said Gertrude Smith stepped into a water meter box in front of #48 Cherry Street, on the sidewalk, on the South side of said Cherry Street, in the City of Asheville, County of Buncombe, and State of North Carolina.

That said meter box is constructed in the sidewalk in front of said #48 Cherry Street and there was no street light nearby, and the place where said meter box was located was dark, and this claimant was walking in the direction of Broadway, East on Cherry Street, in the said City, and stepped onto said meter box, the lid of which had been moved and changed, and when claimant stepped upon covering to said meter box she fell into the same, bruising and spraining her body, back, side, and lower limbs, and was required to incur obligations for medical attention as a result thereof.

the said cover for the meter box above described was permitted to remain open and in a dangerous condition by the employees and agents of the City of Asheville, and as a result of the negligence of the employees of the City of Asheville in failing to reasonably inspect and repair the conditions surrounding said meter box so that the same would be safe for pedestrians, and more especially for this claimant in the night time, said claimant has been greatly damaged, incurred expenses for medical attention, great inconvenience, pain and suffering due to her injuries, all as a direct result of the negligence of the agents and employees of the City of Asheville, and said claimant hereby respectfully presents claim and demands payment of the sum of One Thousand Five Hundred ($1,500.00) Dollars.

Gertrude Smith
By
James S. Howell, Attorney

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, February 5, 1942--4:30 P. M.

The City Council met in regular session Thursday, February 5, 1942, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, Gary L. Hughes, O. E. Starnes, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Willis C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Letter was read from Mr. Albert Coates, Director of the Institute of Government announcing a district meeting to discuss war-time emergency problems of counties, cities and towns to be held in this City February 9, at the Court House.

Upon motion of Vice-Mayor Divelbiss, seconded by Councilman Hughes, Ordinance No. 292, Entitled, "AN ORDINANCE REGULATING TAXICABS AND REGULATING THE LICENSING OF TAXICAB DRIVERS" was held over until the next meeting.

Petition by the Carolina Power and Light Company to sell, transfer and assign to the WHITE TRANSPORTATION COMPANY, Asheville Motor Bus service was read to the City Council by Attorney Kester Walton, and said petition appearing below, was referred to the City Manager and Corporation Counsel.

ASHEVILLE, N. C. FEBRUARY 5, 1942

TO THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

Your Petitioners, Carolina Power & Light Company, a North Carolina corporation, hereinafter sometimes referred to as "Power Company", and White Transportation Company, a North Carolina corporation, hereinafter sometimes referred to as "Transportation Company" respectfully show:

1- That Power Company has agreed, subject to the approval of the City Council of the City of Asheville, North Carolina, as hereinafter more fully stated, to sell, transfer and assign to Transportation Company, by written agreement of sale in substantially the form hereto attached as Exhibit A, the Asheville Motor Bus transportation system consisting of property, franchises, rights and permits described in said agreement of sale as follows:

The Asheville, North Carolina, motor bus transportation system of Power Company as the same is now owned and operated, including twenty-five (25) Corbit buses, twelve (12) White buses, nine (9) Twin Coach buses, and all tools, equipment and accessories within and upon said buses (except all tires and tubes now used or held for use in connection with the operation of said buses, which tires and tubes are the property of B. F. Goodrich Company and are used or held for use under a tire service contract); also all materials, supplies, equipment, shop tools, metal lockers, office furniture, fare boxes, coin counting machines, and bus parts, exclusively used or held for exclusive use in connection with the operation and maintenance of said motor buses and motor bus transportation system, but not including machinery which is stationary or is in any manner affixed to the floor or other part of the building and not including any buildings or other real estate or anything used or held for use in connection with the operation and maintenance of Power Company's electrical facilities and business.

All street railway, and passenger bus franchises and permits, together with all rights, privileges and obligations thereunder, now owned and enjoyed by Power Company, which franchises and permits were heretofore granted by the City of Asheville or by another municipality the corporate area of which, in whole or in part, is within the now existing corporate limits of the of the City of Asheville, but excepting that certain franchise dated June 1, 1917, granted by the Town of West Asheville to Asheville Power & Light Company which franchise covers electrical operations and transportation operation, provided, however, that this transfer and assignment shall include the rights and privileges of Power Company with respect to the furnishing of transportation service as contained in Sections 1,2 and 3 of said Town of West Asheville franchise; this transfer and assignment shall also include the rights and privileges granted by the City of Asheville to Power Company as evidenced by an agreement dated April 24, 1934, which provides for the substitution and operation of motor buses in the place of street cars under said franchises and permits; and also those rights and privileges granted by the City of Asheville to said Power Company by two resolutions of the City Council, one adopted on the 11th day of September, 1937, and the other adopted on the 4th day of September, 1941, by which the Power Company was and is temporarily relieved of the duty and responsibility of operating bus transportation service over certain sections of streets described in certain sections of streets described in certain franchises but under which the franchise rights of Power Company are preserved. This transfer and assignment does not include any electrical franchise or permit, all such electrical franchises and permits being expressly reserved and excepted.

2 - That it has been agreed between your Petitioners that said sale, transfer and assignment will not be consummated unless and until the City Council of the City of Asheville by an appropriate ordinance or resolution (1) shall approve and ratify the sale, transfer and assignment, (2) shall release and discharge Power Company from the future observance and performance of any duty or obligation under any of said franchises, rights and permits, and (3) shall accept Transportation Company as the one thereafter owning and entitled to exercise the rights and privileges under said franchises and permits and the one responsible for observing and performing the obligations and duties in any manner imposed upon Power Company under and by virtue od said franchises, rights and permits, as the same have been modified by any agreement between the City Council and Power Company or by any ordinance or resolution passed by the City Council.

3 - That Transportation Company hereby agrees, in consideration of the approval by the City Council of the said sale, transfer and assignment, and in further consideration of the release and discharge, as aforesaid, of Power Company, to accept the transfer and assignment of said franchises and permits, modified as aforesaid, and to fully observe and perform, in the place and stead of Power Company, all the duties and obligations imposed thereby or in any manner arising thereunder, and agrees that it will duly consent to and be bound by an ordinance in the form, or substantially in the form, attached hereto as Exhibit B for the consideration of the City Council.

WHEREFORE, your Petitioners jointly and severally pray that your honorable body adopt an appropriate ordinance or resolution, (1) approving and ratifying the transaction by which Power Company shall sell, transfer and assign to Transportation Company the hereinabove described bus transportation system, franchises and permits, (2) releasing and discharging Power Company, upon the consummation of said sale, transfer and assignment, from all obligations, duties and responsibilities under said franchises and permits, and (3) accepting the obligation of Transportation Company in the performance of the obligations, duties and responsibilities under said Franchises and permits, upon the consummation of said sale transfer and assignment.

This petition is signed and submitted to the City Council of the City of Asheville, North Carolina, for and in behalf of your Petitioners by their duly authorized officers, under authority duly granted by their respective Boards of Directors, this the 5th day of February, 1942.

CAROLINA POWER & LIGHT COMPANY

BY C. S. WALTERS
Vice-President

WHITE TRANSPORTATION COMPANY

By E. P. White
President

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

THIS AGREEMENT OF SALE, entered into this _____ day of _____, 1942, by and between CAROLINA POWER AND LIGHT COMPANY, a North Carolina corporation, sometimes hereinafter called "Power Company, and WHITE TRANSPORTATION COMPANY, a North Carolina corporation, sometimes hereinafter called "Transportation Company".

WITNESSETH:

That for and in consideration of One Hundred Dollars ($100.00) and other valuable consideration paid to Power Company by Transportation Company, the receipt of which is hereby acknowledged, Power Company has bargained, sold, transferred, assigned and delivered, and by these presents does bargain, sell, transfer, assign and deliver, unto Transportation Company, the following described personal property, franchises and permits:

The Asheville, North Carolina, motor bus transportation system of Power Company as the same is now owned and operated, including twenty-five (25) Corbitt buses, twelve (12) White buses, nine (9) Twin Coach buses, and all tolls, equipment and accessories within and upon said buses (except all tires and tubes now used or held for use in connection with the operation of said buses, which tires and tubes are the property of B. F. Goodrich Company and are used or held for use under a tire service contract): also all materials, supplies, equipment, shop tools, metal lockers, office furniture, fare boxes, coin counting machines, and bus parts, exclusively used or held for exclusive use in connection with the operation and maintenance of said motor buses and motor bus transportation system, but not including machinery which is stationary or is in any manner affixed to the floor or other part of the building and not including any building or other real estate or anything used or held for use in connection with the operation and maintenance of Power Company's electrical facilities and business.

All street railway and passenger bus franchises and permits, together with all rights, privileges and obligations thereunder, now owned and enjoyed by Power Company, which franchises and permits were heretofore granted by the City of Asheville or by another municipality the corporate area of which, in whole or in part, is within the now existing corporate limits of the City of Asheville, but excepting that certain franchise dated June 1, 1917, granted by the Town of West Asheville to Asheville Power & Light Company which franchise covers electrical operations and transportation operations, provided, however, that this transfer and assignment shall include the rights and privileges of Power Company with respect to the furnishing of transportation service as contained in Sections 1, 2 and 3 of said Town of West Asheville franchise; this transfer and assignment shall also include the rights and privileges granted by the City of Asheville to Power Company as evidenced by an agreement dated April 24, 1934, which provides for the substitution and operation of motor buses in the place of street cars under said franchises and permits; and also those rights and privileges granted by the City of Asheville to said Power Company by two resolutions of the City Council, one adopted on the 11th day of September, 1937, and the other adopted on the 4th day of September, 1941, by which the Power Company was and is temporarily relieved of the duty and responsibility of operating bus transportation service over certain sections of streets described in certain sections of streets described in certain franchises but under which the franchise rights of Power Company are preserved. This transfer and assignment does not include any electrical franchise or permit, all such electrical franchises and permits being expressly reserved and excepted.

Transportation Company, in consideration of the premises, does by these presents receive and accept the hereinabove described personal property, franchises, rights and permits, and for itself, its successors and assigns, does accept and assume the obligations of performing all of the duties and obligations arising under or by virtue of said franchises and permits, as the same may be modified by the aforesaid Agreement of April 24, 1934, and by any ordinance or resolution passed by the City Council of Asheville, N. C.

TO HAVE AND TO HOLD the said personal property, franchises and permits unto the said Transportation Company, its successors and assigns. And the said Power Company hereby warrants the said property and said franchises and permits to the extent of their present validity to be free from all liens and encumbrances of whatever kind, except property taxes for the year 1942, and the said Power Company warrents the title hereby given to be good and indefensible.

IN WITNESS WHEREOF, the Carolina Power & Light Company and the White Transportation Company have each caused these presents to be signed in its name by its duly authorized officers and its corporate seal to be hereunto affixed, under authority duly granted by its Board of Directors, as of the day and year first above written.

This agreement is executed in duplicate.

(SEAL)

Attest:

_____
Secretary

CAROLINA POWER & LIGHT COMPANY

By _____
Vice President

(SEAL)
Attest:

_____
Secretary

WHITE TRANSPORTATION COMPANY

By _____
President

Mr. Henry Fisher, Mr. Herschel Harkins and Mr. James Smathers spoke in behalf of the pilots at the Asheville-Hendersonville Airport protesting the leasing of the Airport. This is the second appearance of this group who advocate municipal management for the airport.

Mr. Brandon Hodges, County Attorney appealed to the City Council for help in arriving at a fair price on property owned by the City-County at Smith Bridge, as Mr. Tom Smith wanted to buy this property and had made an offer. Mayor Lee appointed Councilman Starnes and Councilman Bre[illegible] to work with Mr. Hodges on this matter.

There being no further business, the meeting upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

February 12, 1942--4:30 P. M.

The City Council met in regular session Thursday, February 12, 1942 at 4:30 P. M., with Mayor Lee presiding. Present: Councilmen Holmes Bryson, Gary E. Hughes, C. Fred Brown, O. E. Starnes, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Upon motion of Vice-Mayor Divelbiss, seconded by Councilman Brown, Ordinance No. 282, entitled, "AN ORDINANCE REGULATING TAXICABS AND REGULATING THE LICENSING OF TAXICAB DRIVERS" was held over until the next meeting of the Council.

Dr. L. LaBruce Ward made a complaint to the City Council regarding the expenses of the City Zoo, and also buying roses for the City Parks when children in the City needed milk and cod liver oil, and questioned the right of the City to spend money to maintain a City Zoo and buy roses for the parks. Dr. Ward made an appealing talk about the poor children in the City and said they should have milk and cod liver oil before the City had a right to spend money for parks and Zoos. If both could be bought. This was referred to the City Manager for an investigation and report.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Elsie Morris
City Clerk

February 19, 1942--4:30 P. M.

The City Council met in regular session Thursday, February 19, 1942, at 4:30 P. M., with Mayor Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, Vice-Mayor J. E. Divelbiss, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

The following amendment was offered to Ordinance No. 282:

"I move that Ordinance No. 282 be amended by striking out all of sub-section (a), all of sub-section (b), all of sub-section (c), all of sub-section (d), and all of sub-section (e) of Section 6.

Offered by C. Fred Brown
COUNCILMAN

Seconded by J. E. Divelbiss, Jr.,
COUNCILMAN

This amendment was passed by a unanimous note of the Council.

Ordinance No. 282, entitled, "AN ORDINANCE REGULATING TAXICABS AND REGULATING THE LICENSING OF TAXICAB DRIVERS" was put on its third and final reading with the above amendment, with the following vote:

Councilman Bryson voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", and Vice-Mayor Divelbiss voted "aye".

ORDINANCE NO. 282

AN ORDINANCE REGULATING TAXICABS AND REGULATING THE LICENSING OF TAXICAB DRIVERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It shall be unlawful for any person, firm or corporation to operate a taxicab in the City of Asheville without first having the same inspected by the Inspector of Taxicabs and passed as a vehicle safe for public conveyance.

Section 2. It shall be unlawful for any person, firm or corporation to drive or operate any taxicab over and street or thoroughfare in the City of Asheville unless the same has been licensed by the licensing authority of the City of Asheville.

Section 3. It shall be unlawful for any person to operate or drive a taxicab upon the streets or thoroughfares in the City of Asheville without first obtaining a city chauffeur's license from the licensing authority of the City of Asheville, and all applications for chauffeur's license shall first fill out an application for the same and pass an examination as prescribed by the Police Department of the City of Asheville.

Section 4. All licensed chauffeurs or drivers of taxicabs shall carry with them in their taxicabs placed in a conspicuous view to the passengers of said taxicab his ifentification card, which shall contain a photograph of said chauffeur or driver with full description, resident address, and fingerprints of the applicant.

Section 4. All licensed chauffeurs or drivers of taxicabs shall carry with them in their taxicabs placed in a conspicuous view to the passengers of said taxicab his identification card, which shall contain a photograph of said chauffeur or driver with full description, resident address, and fingerprints of the applicant.

Section 5. Every taxicab shall have printed on the door of said cab the name, trade name or the assumed name under which the owner operates, together with the company telephone number and cab number, and privided further that the number of the cab and the telephone number of the owner shall be painted upon the rear of any such vehicle. All of the lettering mentioned in this section shall be not less than 2½ inches in height and not less than 5-16" stroke, and said paint to be used shall be good or oil paint that will weather the elements, and must be kept legible at all times.

Section 6.

(a) There shall be affixed on the outside top and front portion of each taxicab an electric light that can be turned on or a flag, signal or other device that may be easily seen by the people on the street or sidewalk in the vicinity of such taxicab, and when a passenger or a person shall hail a taxicab said light shall be turned on or said flag, signal or other device shall be placed in such position as to denote that such taxicab is employed.

(b) There shall be placed in a conspicuous place on the inside of each licensed taxicab, in addition to the license issued to licensee required by this ordinance, a card showing the rates charged by said taxicab.

(c) It shall be unlawful for any person to refuse to pay the legal fare of the vehicle mentioned in this ordinance after having hired the same.

(d) It shall be unlawful for the owner or driver of any taxicab to refuse to carry a passenger at the rate shown on the rate card displayed in said taxicab or demand a rate in excess of the fare shown on said rate card as provided in this ordinance.

Section 7. It shall be unlawful for any driver of a taxicab to transport any passenger to abode of a commercialized prostitute with whom he has previously made arrangements for meeting with his passenger, or to knowingly transport any known criminal, narcotic peddler, bootlegger, in the commission of a crime or the infraction of the law in any manner, or act in any manner for the benefit or as a contact man for unlawful establishments of any character.

Section 8. PENALTIES. Any person, firm, corporation, association, partnership or party violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than fifty dollars, and each day such violation continues shall constitute a separate offense, and the City Manager, in addition to the penalty herein prescribed, may suspend or revoke the license to operate any taxicab or taxicabs, and may revoke or suspend the permit of any driver of any taxicab to operate any such vehicle.

Section 9. If any section or provision of any section of this ordinance shall be held to be void, ineffective or unconstitutional, the holding of such section or provision of any section to be void, ineffective or unconstitutional for any cause whatsoever shall not affect the validity of the remaining sections and provisions of this ordinance.

I move the adoption of the foregoing ordinance, this 19 day of February, 1942.

Seconded by:

Read, approved and adopted, this 19 day of February, 1942, to become effective the 1st day of March, 1942.

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mr. P. M. Burdette, City Manager, made the following report to the City Council:

REPORT TO THE CITY COUNCIL, FEBRUARY 19, 1942, WITH REFERENCE TO STATEMENT MADE BY DR. LABRUCE WARD AT THE COUNCIL MEETING OF COUNCIL ON FEBRUARY 12th

At the last meeting of this Council Dr. J. LaBruce Ward, a highly respected physician of this city, propounded a rather searching question of public policy respecting a matter of public health and certain other heretofore accepted procedures of governmental functioning. The question was referred to me for investigation and report. Since that meeting much public concern has been shown and many comments have been made by the public, press and other groups, most of it creating heat without throwing much light on the principle involved. Personalities have crept into it. Class prejudices have been engendered, and the merits of the proposition have been somewhat smothered in slogans and headlines. However, I feel that a statement containing more than cold statistical facts should be included in this report.

In the first place, I want to assume full responsibility for the policy involved in the questions that have been raised. This Council has only made the regular and customary appropriation for parks and playgrounds that it has annually made and upon the recommendation of the City Manager, and the City Manager with the Director of Parks has carried out the details of the parks operations. I think it well to give a little history of the creation and origin of the present park set-up, and also what the public health department is now doing for child welfare,

before making the facts surrounding the present question:

[illegible] . . . . . :

The purpose of this memorandum is to review briefly the history of Griffin Boulevard Park.

On April 26, 1934, through the interest and influence of residents of Griffin Boulevard, the Grove Estate tendered to the City of Asheville the parkway for park purposes. On May 8, 1934 the City of Asheville City Council, under the Wamboldt administration, on motion made by Councilman Westall and seconded by Councilman Miller by resolution, accepted the above tender, acting upon the then City Manager's recommendation.

Residents of this section raised a special fund of $200.00 to make certain improvements in the Griffin Boulevard Park. These improvements were under the general supervision of Mr. [illegible] Beadles of the Biltmore Estate, and the writer carried out the plan of Mr. Beadles. Since this park was accepted regular appropriations have been made for the maintenance of same the same as other parks in the City of Asheville, such as: Aston Park, Montford Park, Malvern Hill's Park, Rhododendron Park, Recreation Park, etc.

In each of these parks some special planning has been carried out. For instance, the Rhododendron Park has specialized in Rhododendron Plants and Dogwood Trees. The Aston Park, rhododendron plants and roses have been featured. The Montford Park has concentrated on an elaborate rock garden planning. In addition to the rock garden, rhododendron and roses have also been carried out. Griffin Boulevard is no exception, and the reason that roses were decided upon for this particular location is because of the fact that the soil is of such type that it is more suitable for roses. Then too, better supervision and maintenance of roses can be made if the plantings are grounded.

The City of Asheville now maintains more than four hundred acres of park facilities, this being slightly under the standard recommended by the National Recreation Association, per capta basis. In recent years the cost of operating the zoo and recreation park has been reduced substantially. In 1930 the cost of operating the zoo was above $8,000.00 annually. This figure has now been reduced to approximately $5,000.00 annually.

You, of course, are familiar with the facts that brought about the establishing of the zoo at the Recreation Park. A small group of boys headed by Mr. Frank Barbee[illegible], backed the movement that the school children purchase an elephant. Approximately $2,000.00 was raised through this means with several thousand school children making weekly donations. In order to effect the purchase, Mr. Fred Seely, through his son, Fred Seely, Jr., contributed approximately $1,000.00. All told, approximately $3,000.00 was raised.

Through the many years that I have had the privilege of observing the many visitors to the zoo, I can't help but feel that it is an educational feature that Asheville is fortunate in having.

Signed Weldon Weir
Director of Public Works

[illegible] . . . . . :

You are familiar with the details as to the cost of feeding the animals at the Zoo, please be advised as follows:

It requires 45# of fresh killed beef daily at 14¢ per pound-- total $6.30 for 6 days only
It requires 17# of hearts, lights, etc. daily at 16¢ per pound--total $2.72 for 1 day.

On the seventh day meat eating animals are not fed. The average cost per day for meat is $9.44. Average cost per day for hay and grain $1.42. Average cost per day for table bread . 72¢. Total cost per day for feeding all animals at the Zoo $7.69.

In addition to this expense, we are required to keep two men as Zoo attendants at salaries of $22.50 per week each. The total appropriation for maintaining the Zoo is $7,058.00.

We have twenty meat eating animals, one elephant, ten day and grain eating animals, such as the elephant, deer, etc., and in addition to this number approximately twenty native birds and animals.

If I can furnish additional information, please advise.

Signed Weldon Weir
Director of Public Works

REPORT OF [illegible] AND CLINIC FOR MATERNITY AND CHILD HYGIENE IN ASHEVILLE

Public Health Departments have a serious and important responsibility in taking care of the records found under the group classified as CHILD HYGIENE. Our work in this field can be better discussed under these four headings which are a logical division: Prenatal and Maternity, Infant, Preschool and School.

1. Prenatal and Maternity:

A clinic is held in the Health Department of the City Hall each Monday afternoon for white pregnant women and each Tuesday afternoon for negro pregnant women. These clinics are staffed by a local physician who specializes in obstetrics and two of our public health nurses. Two hundred thirty-five women received the help of this clinic during 1941. The nurses made 648 visits to the homes of these women before the baby came and 682 visits following delivery. The City Health Department has helped to arrange for the delivery of 21

of these prospective mothers because of complications found by the physician [illegible] because of adverse [illegible] conditions.

11. Infant:

There are four well baby clinics held once each month in Asheville. These [illegible] clinics are scattered over the city to make transportation easier for mothers and babies. [illegible] at Clexton School on Merrimon Avenue, one at Biltmore and one in west Asheville. [illegible] well baby clinic is held at Phillis Wheatley Y.W.C.A.

Three white physicians and one negro physician [illegible] these clinics. Two public health nurses are assigned to each clinic to weigh babies, [illegible] take temperatures and help the physicians with their examinations. This is a good opportunity to emphasize the doctors advice with more generalized health education. [illegible] these well baby clinics during 1941.

111. Preschool:

The preschool child, meaning the age 2 to 6 years, is universally neglected group. The City Health Department examines all preschool children entering the lower grades in the spring. The purpose of these examinations is to have defects corrected, immunizations and vaccinations completed before the child enters school the following September. Two hundred forty-four children were examined last spring and 189 of these had some defect. Only 156 of these 244 children had been previously immunized against diphtheria.

IV. School:

A part time school physician supervises the school health work in the city schools. The public health nurses are responsible for the school in their district. Their schedule requires that they spend at least one whole morning a week in each elementary school or more time is spent in the larger schools. They make all home visits in their territory for corrective or follow up work or communicable disease control and assist the school physician with his examinations.

A brief summary of statistics for the last school year follows:

Number of children examined	1348
Number of children having defects	528
Vaccinated for smallpox	726
Diphtheria immunizations	531
Mantoux tests	2155
Children Xrayed	580
Physical examination, teachers, food handlers, janitors	940

The school dentists (white and negro) examined the mouths of 2,[illegible] children and treated 1304. They referred 886 children to local dentists for corrective work. They gave 10 lectures on oral hygiene during the school year.

To care for the sick infant, preschool and school child up to age 12 we have weekly clinics in the City Hall for white and negroes. Each Saturday morning we have a preventorium and immunization clinic, where either children or adults may receive protection from smallpox, typhoid, diphtheria and whooping cough.

SUMMARY:

The various services, offered by local physicians and the City Health Department included under Child Hygiene have been presented. What results may these physicians and the Health Department expect?

There has never been any funds available for necessary medicines, equipment or milk for Well Baby, Sick Children's or Maternity clinics except that contributed by some organization or interested individual.

The Business and Professional Women's Club contributes the following to the Well Baby clinics

1937 - Scales, cod liver oil and canned milk	[illegible]
1938 - Cod liver oil and canned milk	[illegible]
1939 - Cod liver oil and canned milk	20.75
1940 Cod liver oil and canned milk	178.00

Because of the growth of these clinics the Business and Professional Women's Club felt it could no longer carry this increasing financial load. [illegible] these clinics have had only such small quantities of cod liver oil and milk as the Parent Teachers Association and the generosity of friends.

The Southern Dairies for 5 years gave enough milk to furnish all our maternity patients for one month prior to delivery and one month after delivery of the baby. This help was withdrawn August 1, 1941. Also each Christmas they made a special donation of 21 quarts of milk a week for two weeks which was given to children in our Sick Childrens clinics.

The Kiwanians have supplied some of the children served [illegible] Preventorium with milk for several months after they returned to their respective homes.

For several years Mr. Fred Seely furnished us [illegible] milk as the Health Department asked for, but this donation was discontinued about 5 years ago.

At present our source of supply or milk for Maternity and Well Baby, Sick Children clinics and former Preventorium Children is 6 quarts of milk a day donated by Circle D. Ranch and one case of canned milk donated each month by Pet and Carnation.

We have no fund to buy cod liver oil or any medicine the doctor may prescribe. The nurses have reported 98 children in the Well Baby clinic in need of both cod liver oil and milk and 80 children in the Sick Children's clinic. Besides these there are approximately 500 children in need of cod liver oil and/or milk which can not afford to buy it. We have at present 78 maternity patients, most of whom need milk.

A committee from the Buncombe County Medical Society developed a plan for better delivery service, pointing out the fact these prospective mothers received ante partum and post partum care in our clinics but were on their own at the time of delivery. Both mothers and babies lives were lost because of this. The Committee met with City Manager Burdette and he agreed to cooperate with the county in sharing 50-50 the expense of hospitalization of these obstetrical cases cared for in our clinics which could not safely be delivered at home.

Since July 1, 1941, twenty-eight women have been hospitalized through this service, two of whom required caesarean sections. The average cost per patient was only $25.30. This is a big contribution to our maternity work.

Respectfully submitted
Margery Lord
City Health Officer

Dr. Carl Scheffle, Mr. L. C. Bradley, Mr. Ben Davis, and Dr. Ward gave the Council their opinion's with regard to the matter.

Councilman Bryson made a motion that Mayor Lee ask the President of the Buncombe County Medical Society to appoint a committee to work with the City Council on this matter.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, February 26, 1942--4:30 P. M.

The City Council met in regular session Thursday, February 26, 1942 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, Gary T. Hughes, C. B. Starnes, R. Fred Brown, H. G. Etheridge, City Manager P. M. Burdette, Corporation Counsel Philip D. Hocke, Jr., and Mayor L. Lyons Lee.

Mayor Lee announced that regarding the pending matter brought before the Council by Dr. LeBruce Ward in regard to cod liver oil and milk for underprivileged children of the City, that a committee from the Buncombe County Medical Society had been appointed to work with the Council, and a meeting would be arranged soon.

Ordinance No. 282, entitled, "AN ORDINANCE APPROVING THE SALE, TRANSFER AND ASSIGNMENT BY CAROLINA POWER & LIGHT COMPANY OF ITS ASHEVILLE BUS TRANSPORTATION SYSTEM, FRANCHISES AND PERMITS, TO WHITE TRANSPORTATION COMPANY, AND DISCHARGING CAROLINA POWER & LIGHT COMPANY FROM ITS DUTIES AND RESPONSIBILITIES UNDER SAID FRANCHISES AND PERMITS AND ACCEPTING THE OBLIGATIONS OF WHITE TRANSPORTATION COMPANY IN THE PERFORMANCE OF THE OBLIGATIONS AND DUTIES UNDER SAID FRANCHISES AND PERMITS" was introduced by the City Manager and put on its first reading, which passed with the following vote:

Councilmen Etheridge voted "aye", Councilman Bryson voted "aye"
Councilman Hughes voted "aye", Councilman Starnes voted "no"
Councilman Brown voted "aye" and Mayor Lee voted "aye"

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, [illegible], 1942--4:30 P. M.

The City Council met in regular session Thursday, [illegible], 1942 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, Gary T. [illegible], C. B. [illegible], R. Fred Brown, H. G. Etheridge, City Manager P. M. Burdette, Corporation Counsel Philip D. Hocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Ordinance No. 282, entitled, "AN ORDINANCE APPROVING THE SALE, TRANSFER AND ASSIGNMENT BY CAROLINA POWER & LIGHT COMPANY OF ITS ASHEVILLE BUS TRANSPORTATION SYSTEM, FRANCHISES AND PERMITS, TO WHITE TRANSPORTATION COMPANY, AND DISCHARGING CAROLINA POWER & LIGHT COMPANY FROM ITS DUTIES AND RESPONSIBILITIES UNDER SAID FRANCHISES AND PERMITS AND ACCEPTING THE OBLIGATIONS OF WHITE TRANSPORTATION COMPANY IN THE PERFORMANCE OF THE OBLIGATIONS AND DUTIES UNDER SAID FRANCHISES AND PERMITS" was put on its second reading, which passed with the following vote:

Councilmen Bryson voted "aye", Councilman Hughes voted "aye", Councilman Starnes voted "no", Councilman Brown voted "aye" and Mayor Lee voted "aye".

Mayor Lee announced that the conference with a committee from the Buncombe County Medical Society on the problem of furnishing milk and cod liver oil to needy children in Buncombe County, pending receipt of recommendations from Dr. Carl V. Reynolds, State Health Officer.

Mr. Sanford W. Brown, Attorney, presented claim for his client Lessie Thaxton for the amount of $459.00. This claim was referred to the Corporation Counsel.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

IN THE CITY COURT
OF THE CITY OF ASHEVILLE

LESSIE THAXTON,
Plaintiff

vs.

CITY OF ASHEVILLE,
Defendant

NOTICE AND CLAIM

Lessie Thaxton, for her notice and claim against the City of Asheville, avers the following:

1. That Lessie Thaxton, claimant herein named, is now 21 years of age, she having reached her majority May 16, 1941, and that she now resides at 114 Lyman Street, in the City of Asheville, County of Buncombe, State of North Carolina.

2. That the claimant is the illegitimate child born of the relation had by Bessie Hoke with Lester Thaxton and for which said Lester Thaxton was prosecuted in the Police Court of the City of Asheville and caused to pay into the hands of the Clerk of said Court for the use and benefit of the claimant herein the amount of $750.00, said action in which said payment was made was heard in said Police Court of the City of Asheville before His Honor, [illegible], Judge presiding and holding said Court in the month of August, 1940.

3. And following the payment of the aforestated sum into the hands of the Clerk of the Police Court of the City of Asheville for the use and benefit of the claimant herein. The claimant, through her mother, Bessie Hoke, did receive various payments therefrom in the amount of $291.00 and that $459.00 of said total sum paid into the hands of said Court for said purpose remains in the hands of the City of Asheville through its said agency.

4. That a correct statement of the withdrawals made from said fund and an incorrect statement of the total amount of same remitted is set forth in a statement signed by His Honor Cameron F. MacRae, under date of July 30, 1941, said statement being as follows:

PAID BESSIE HOKE	$150.00
PAID BESSIE HOKE	5.00
PAID BESSIE HOKE	50.00
PAID BESSIE HOKE	50.00
PAID BESSIE HOKE	25.00
PAID BESSIE HOKE	6.00
TOTAL AMOUNT PAID OUT	$291.00
TOTAL AMOUNT	$750.00
ABOVE AMOUNT DEDUCTED AS AMOUNT	291.00
AMOUNT HELD BY CLERK OF COURT	$459.00

That by virtue of the foregoing the City of Asheville is indebted to the claimant herein in the amount of $459.00 and that there are no legal off-sets or counter-claims against same.

[illegible], for claimed property damage from the City of Asheville in the [illegible].

Lenford W. Brown
ATTORNEY FOR CLAIMANT

[illegible]

I, [illegible], being first duly sworn, says:

That she is the claimant in the foregoing and attached notice and claim; that she has read the foregoing notice and claim and knows the contents of same, and that the same is true of her own knowledge, except those matters and things therein stated upon information and belief, and as to those matters and things she believes it to be true.

Lessie Thaxton
PLAINTIFF

Sworn to and subscribed before me, this the 26 day of February, 1942.

J. B. Moore
NOTARY PUBLIC

My commission expires:

June 8, 1943

(Seal)

Robert W. Uechelfrost, commanding officer of Asheville's 38th company, North Carolina State Guard, was present, and, at the suggestion of Councilman Holmes Bryson, reported on the army inspection of the Guard unit Wednesday night, and took occasion to thank the council for the appropriation in the support budget which, he said, had made it for easier for the company to function.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
Acting City Clerk

Thursday, March 12, 1942 -- [illegible]

The City Council met in regular session Thursday, March 12, 1942 at 4:[illegible] P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, [illegible], [illegible] Brown, S. [illegible] Starnes, Vice-Mayor J. [illegible] Sivalbiss, Jr., City Manager [illegible], [illegible] and Philip S. Cocke, Jr., [illegible] Mayor Lee.

Minutes of the previous meeting were read and approved.

[illegible]

Ordinance No. 203, entitled, "AN ORDINANCE AMENDING THE [illegible], PASSED [illegible] BY CAROLINA POWER & LIGHT COMPANY OF ITS ASHEVILLE BUS FRANCHISES TO [illegible], AND DISCHARGING CAROLINA POWER & LIGHT COMPANY FROM [illegible] TO WHITE TRANSPORTATION COMPANY, AND DISCHARGING CAROLINA POWER & LIGHT COMPANY FROM [illegible] RESPONSIBILITIES UNDER SAID FRANCHISES AND PERMITS AND ACCEPTING THE [illegible] AND RIGHTS AND ACCEPTING THE OBLIGATIONS OF WHITE TRANSPORTATION COMPANY IN THE [illegible] OBLIGATIONS AND DUTIES UNDER THE FRANCHISES AND PERMITS", was introduced by Mayor Lee, at this point Mayor Lee asked the City Clerk to read a letter from the West Asheville Club, asking that the final reading of the ordinance be postponed.

Letter was then read from the North Carolina Utilities Commission as follows:

"Honorable L. Lyons Lee, Mayor

Asheville, N. C.

Dear Mr. Lee:

This letter is written at the request of Mr. Philip S. Cocke, Jr., Corporation Counsel of the City of Asheville, in reference to the application for approval of the sale of the city bus franchises and equipment by the Carolina Power & Light Company to the White Transportation Co.

The first week in February of this year there was submitted to this Commission by the White Transportation Co. an application for approval of the sale of franchises and permits to provide bus service within the City of Asheville by the Carolina Power & Light Co. to the White Transportation Co., and with the application was submitted a pro forma balance sheet as of January 28, 1942. The Commission examined this balance sheet and a break-down of same and discussed the various items therein with Mr. White and his attorney. Furthermore, the prospective operating revenue and expenses of the [illegible] White Transportation Co. were gone into by this Commission. [illegible] the conference this Commission was of the opinion that, from the figures submitted to it before it, the price to be paid was reasonable and that the prospect for successful operation was good, and it was stated to Mr. White and his attorney that should the City of Asheville approve the sale and purchase that this Commission would likewise give its approval.

The main reason that this Commission desired the approval by the City of Asheville before giving its approval was that the owners of White Transportation Co. were citizens of Asheville and well known to the city authorities there and it was felt that since the same persons had for a number of years been operating this transportation system for the Carolina Power & Light Co. that the authorities of Asheville would be in a better position to know whether their management had been satisfactory. It was represented to this Commission that the conduct and management of the city transportation system has been proficient under the supervision of the Whites.

Following our conference with Mr. White and his attorney, I discussed the matter with Mr. Weatherspoon, attorney for the Carolina Power & Light Co. and he stated that they would not have considered selling their transportation system in Asheville to anybody who they did not feel was in a position to give proper service, and that they felt that the Whites knew more about the transportation requirements in Asheville than anybody else. Mr. Weatherspoon further stated that the reason they desired to sell their transportation system was that their business was electrical and that the operation of buses was not in the general line in which they were engaged, and that the operation was not profitable enough from the operation of a street railway propelled by electricity.

Should the sale be consummated, the [illegible] will thereupon [illegible] jurisdiction over the operation by the White Transportation Company, as it now has over that of the Carolina Power & Light Co., under authority granted by the Legislature in Chapter 307 of the Public Laws of 1933.

This Commission has always exercised its jurisdiction over rates for city transportation companies other than taxicabs and intercity bus transfer companies, over which it has no jurisdiction, but it has not attempted to regulate the routing of buses within the city and it believes that the city authorities are in a better position to determine the routes.

With the highest regards, I am

Respectfully,

[illegible]
Chairman

Mayor Lee ask for a vote of the Council on putting the Ordinance on its third and final reading and all members voted "aye", with the exception of Councilman Starnes who voted "no".

Mayor Lee asked if any citizen had any reason why the Ordinance should not be placed on its third and final reading. There was no response.

Corporation Counsel Philip C. Cocke, Jr. read the ordinance in full to the Council, and Mayor Lee then asked for a vote, which is recorded as follows:

Councilman Etheridge voted "aye", Councilman Bryson voted "aye", Councilman Etheridge voted "No" Councilman Brown voted "aye" Councilman Rivelbiss voted "aye" and Mayor Lee voted "aye"

ORDINANCE N O. 283

[illegible] APPROVING THE SALE, TRANSFER AND ASSIGNMENT BY CAROLINA POWER & LIGHT COMPANY [illegible] MOTOR BUS TRANSPORTATION SYSTEM, FRANCHISES AND PERMITS, TO WHITE TRANSPORTATION [illegible], AND RELEASING CAROLINA POWER & LIGHT COMPANY FROM ITS DUTIES AND RESPONSIBILITIES [illegible] AND ACCEPTING THE OBLIGATIONS OF WHITE TRANSPORTATION COMPANY [illegible] AND PERMITS.

WHEREAS, the City Council has received a joint petition dated February 5, 1942, of Carolina Power & Light Company and White Transportation Company, in which petitioners represent and show:

1. That the Carolina Power & Light Company has agreed to sell, transfer and assign, to the White Transportation Company, by a written agreement of sale in substantially the form attached to said joint petition, the Asheville motor bus system consisting of the property, franchises and permits described in said attached form of agreement.

2. That the petitioners have agreed that the said sale, transfer and assignment shall not be consummated unless and until the City Council of the City of Asheville by ordinance or resolution (1) shall approve ratify the sale, transfer and assignment, (2) shall release and discharge the said Power Company from the observance and performance in the future of any duty or obligation under any of said franchises, rights and permits, and (3) shall accept, in the place and stead of Carolina Power & Light Company, the White Transportation Company as the one thereafter owning and entitled to exercise the rights and privileges under said franchises and permits and the one responsible for observing and performing the duties and obligations in any manner imposed upon the said Power Company under and by virtue of said franchises, rights and permits, as the same have been modified by any agreement between the City Council and the said Power Company or by any ordinance or resolution passed by the City Council.

3. That, in consideration of the approval by the City Council of the sale, transfer and assignment, and in further consideration of the release and discharge by the City Council, as aforesaid, of the Carolina Power & Light Company, the White Transportation Company has agreed to accept the transfer and assignment of said franchises and permits, modified as aforesaid, and, in the place and stead of Carolina Power & Light Company, to fully observe and perform all the duties and obligations with respect to the said Power Company which in any manner are imposed by or arise under said franchises and permits, as modified; and

WHEREAS, the City Council has fully considered the matter set forth in the petition and finds as a fact that the White Transportation Company is able to render adequate bus transportation service and is able to observe and perform the duties and obligations with respect thereto arising under the aforesaid franchises and permits; and that the operation of said bus transportation system by the White Transportation Company will be in the best interest of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the sale, transfer and assignment by the Carolina Power & Light Company of the Asheville motor bus transportation system, including the property, franchises and permits described in the petition be and the same is hereby approved and ratified.

Section 2. That upon the consummation of said sale, transfer and assignment the Carolina Power & Light Company shall be and is hereby fully released and discharged from observing or performing any duty or obligation under any of said franchises or permits, and the White Transportation Company, with its commitment as set forth in the petition, shall be and is hereby accepted, in the place and stead of Carolina Power & Light Company, to observe and perform the duties and obligations under said franchises and permits, as modified by any agreement between the City Council and said Power Company or by any ordinance or resolution of the City Council and upon the consummation of said sale, transfer and assignment the White Transportation Company shall be deemed and held to be the owner of and entitled to exercise the rights and privileges under said franchises and permits.

I move the adoption of the foregoing ordinance, this 28 day of February, 1942.

Holmes Bryson
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted, this 12 day of March, 1942, to become effective 30th day of March, 1942.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

We consent to and agree to be fully bound by the foregoing ordinance.

WHITE TRANSPORTATION COMPANY

By E. P. White
President

Upon motion of Councilman Bryson, seconded by Councilman Etheridge, Mayor Lee was asked to write a letter of condolence to Mr. and Mrs. Gary F. Hughes upon the death of Mrs. Hughes' mother, Mrs. Pattie Bond Cherry.

Upon motion of Councilman Brown, seconded by Councilman Rivelbiss, Mayor Lee was also asked to write a letter to Mr. Don Elias expressing the sympathy of the Council and the other members of the Elias family upon the death of their mother, Mrs. Hope Elias.

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

March 19, 1942--4:30 P.M.

The City Council met in regular session Thursday, March 19, 1942, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, H. G. Etheridge, Gary F. Hughes, Vice-Mayor J. V. Rivelbiss, Jr., City Manager C. A. Bucheit, and Mayor Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

March 26, 1942--4:30 P. M.

The City Council met in regular session Thursday, March 26, 1942, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, H. G. Etheridge, Gary F. Hughes, C. A. Starnes, Vice-Mayor J. V. Rivelbiss, Jr., Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Petition signed by 4 residents of Magnolia St., from Magnolia Park to Broadway St., asking that the sidewalk of 10 feet wide be changed to five feet wide, was received and referred to the City Manager and Corporation Counsel.

Letter from the family of Mr. Fred L. Seely, acknowledging with appreciation the expression of sympathy from the City Council on the death of Mr. Seely March 14, 1942, was read.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, April 2, 1942--4:30 P. M.

The City Council met in regular session Thursday, April 2, 1942, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Wallace Bryson, Gary E. Hughes, C. Fred Brown, J. P. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip D. Jones, Jr., and City Clerk Glenn Morris.

Minutes of the preceding meeting were read and approved.

Motion authorizing the City Manager to advertise according to law certain property owned by the City of Asheville to be sold at public Auction was upon motion of Councilman Divelbiss seconded by Councilman Brown, unanimously adopted as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE ACCORDING TO LAW CERTAIN PROPERTY OWNED BY THE CITY OF ASHEVILLE TO BE SOLD AT PUBLIC AUCTION

WHEREAS, the City Council of the City of Asheville deems it advisable to sell at public auction certain of its properties held in fee simple; and

WHEREAS, it is the opinion of the City Council that said properties should be sold for the best interests of the city and the public generally, and that same should be sold at the Court House door at public auction;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized to advertise for sale according to law the following property:

Lots 71, 72, 73, 74, Sheet 12, Biltmore Ward

I move the adoption of the foregoing resolution.

J. P. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted, this 2 day of April, 1942.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip D. Jones, Jr.
Corporation Counsel

Resolution authorizing Mayor to execute quit-claim deed to C. H. Ford was upon motion of Councilman Brown, seconded by Councilman Divelbiss, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO C. H. FORD

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $5.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	FORMER OWNER	LOT	SHEET	WARD	MAKE DEED TO
3628	Norfolk Residence Corp	219	8	6	C. H. Ford

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
Councilman

Seconded by: J. P. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 2 day of April, 1942.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip D. Jones, Jr.
Corporation Counsel

Ordinance No. 284, entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF ASHEVILLE AND PLAN OF THE CITY OF ASHEVILLE AS A PART THEREOF" was passed on its first reading, upon the following vote:

Councilman Bryson voted "aye", Councilman Hughes voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", Vice-Mayor Divelbiss voted "aye" and Mayor Lee voted "aye."

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, April 2, 1942--4:30 P. M.

The City Council met in regular session with Mayor Lee presiding, Thursday, April 2, 1942 at 4:30 P. M. Present: Councilmen C. Fred Brown, J. P. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip D. Jones, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Communication was read from Mrs. W. G. Etheridge, President of the Asheville Garden Club, inviting the City Council to Open House of the Craft Room in the basement of the City Building, from 10 o'clock until four.

Communication was read from Mr. and Mrs. Jay J. Hughes expressing sympathy on the death of Mrs. Hughes' mother, Mrs. Cheney.

Ordinance No. 284, entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF ASHEVILLE AND PLAN OF THE CITY OF ASHEVILLE AS A PART THEREOF" was put upon its passage upon the following vote:

Vice-Mayor Divelbiss voted "aye", Councilman Hughes voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", and Mayor Lee voted "aye".

Resolution authorizing the Mayor to execute lease with Imperial Advertising Company was upon motion of Councilman Hughes, seconded by Councilman Divelbiss, unanimously passed as follows:

[illegible] AUTHORIZING THE [illegible] TO EXECUTE LEASE WITH
[illegible] OUTDOOR ADVERTISING COMPANY

[illegible], The City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place certain sign boards on certain lots designated [illegible] lease; and

[illegible], the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, [illegible], BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That he, the said [illegible] hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

Cary E. Hughes
COUNCILMAN

SECONDED BY: J. E. Shuelbiss, Jr.
COUNCILMAN

Read, approved and adopted this 9 day of April, 1942.

L. Lyons Lee
MAYOR

Glenn Morris
City Clerk

ATTORNEY AS TO FORM:
Philip Z. Cooke, Jr.
CORPORATION COUNSEL

Mr. Sanford Brown, Attorney, presented claim for his client Mary Brown , for damage done to her automobile by a City fire truck on March 23, 1942. This claim was referred to the City Manager and Corporation Counsel as follows:

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

TO THE CITY MANAGER AND
COUNCIL OF THE CITY OF ASHEVILLE

MARY BROWN,)
Plaintiff)
vs.)
CITY OF ASHEVILLE,)
Defendant)

NOTICE OF CLAIM OF MARY BROWN

Mary Brown, being first duly sworn, gives notice of and makes claim against the City of Asheville, as follows:

1.

That the full name and address of the claimant herein is Mary Brown, 2 Brookland Avenue Biltmore, N. C.

2.

That the notice of and claim herein made is for damages done to claimant's 1934 Model Chevrolet 5-Passenger Sedan at the intersection of Sweeten Creek Road and Reed Street, in the part of the City of Asheville known as Biltmore, N. C., on March 23, 1942, about 8:05 P. M., in a collision with one of the fire trucks of the City of Asheville, which was being operated at said time by the employees, servants and agents of the City of Asheville from its Biltmore, N. C., Fire Station.

3.

That the damages upon which claim is made herein were inflicted upon the claimant's automobile as a direct and proximate result of the negligence of the City of Asheville in the operation of its fire truck on the occasion herein complained of, in that, the employees, servants and agents of the City of Asheville operated said fire truck along Brook Street in that part of the City of Asheville known as Biltmore, in an eastwardly direction at a rapid rate of speed and turned into Reed Street on the wrong side of said Road Street in the direction said fire truck was moving and into the claimant's automobile, which was on the right hand side of Reed Street in the direction it was moving toward said intersection, and that on said occasion and at said place no signal was given by the operators of said truck of their presence or intentions with same; that by reason thereto said fire truck was made to collide with the claimant's automobile with great force and to inflict damages thereon in the amount of $62.50, as shown by the itemized estimate of said damages attached hereto.

WHEREFORE, claimant herein hereby gives notice and makes claim against the City of Asheville on the aforestated grounds in the amount of $62.50 and for such other and further relief as she may be entitled to in said connection.

Mary Brown
Claimant

The foregoing notice and claim sworn to and subscribed before me, this 9th day of April, 1942.

My Com. Expires Jan. 9, 1943

J. L. Moore
Notary Public

Claim presented by Sanford W. Brown, Attorney

There being no further business, the meeting was [illegible].

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

[illegible], April [illegible]

The City Council met in regular session [illegible], April [illegible], 1942, at [illegible]. Present: Council or [illegible], Mayor L. Lyons Lee presiding. Also present: Assistant City Manager [illegible], Corporation Counsel Philip Z. Cooke, Jr., and Mayor L. [illegible].

Minutes of the previous meeting were read and approved.

[illegible]

Ordinance No. 894, entitled, "AN ORDINANCE [illegible] AN ORDINANCE [illegible]" was passed on it [illegible], vote:

Councilman Hodges voted "aye", Councilman Brown voted "aye", [illegible] "aye". Mayor Lee voted "aye".

ORDINANCE NO. 894

AN ORDINANCE [illegible] THE FOOD STAMP PLAN AND/OR [illegible] WITHIN THE CORPORATE LIMITS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. Any person, other than the person entitled thereto, who shall [illegible] by the Secretary of Agriculture of the United States governing the [illegible] plan, who shall have in his possession, or who shall purchase, sell or [illegible] cotton stamps, books, book covers or any other instruments or [illegible] food stamps or cotton stamps, for money or for any other article or [illegible] than those [illegible] ized by the regulations prescribed by the Secretary of Agriculture [illegible] the food stamp plan or the cotton stamp plan shall be [illegible] thereof, shall be [illegible] exceeding Fifty Dollars for each [illegible]. The word "person" means any individual, partnership, corporation or [illegible], and the word partnership, corporation or association is eligible to participate [illegible] plan or the cotton stamp plan.

Section 2. That this ordinance shall be in full [illegible] and its publication, as provided by law.

I move the adoption of the foregoing ordinance, [illegible] Council, [illegible].

[illegible]

[illegible]:

Read, approved and adopted, this [illegible] day of April, 1942, [illegible] May, 1942.

[illegible]

[illegible]

ATTORNEY AS TO FORM:
Philip Z. Cooke, Jr.
CORPORATION COUNSEL

Resolution authorizing the City Manager to advertise [illegible] the City of Asheville at the called public auction [illegible], Councilman Brown [illegible] introduced the following:

[illegible]

WHEREAS, the City Council of the City of Asheville [illegible] auction some of its properties held in fee simple; and

WHEREAS, it is the opinion of the City Council that said properties should be sold for the best interests of the City and the public generally, that they should be sold at the Court House door at public auction:

[illegible] ... CITY COUNCIL:

... is hereby authorized to advertise for sale according ...:

Lots [illegible], Block H, of Aeco Gardens, which lots ... Avenue and Kenworth View Road.

... resolution.

... Stevens
Councilman

... Brown
Councilman

... April, 1942.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

... [illegible]

... Councilman Dryson Chairman of the History ... for the use in the armed forces, and asked for the co-operation of ... Dryson.

... other business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, April 23, 1942, 4:30 P. M.

The City Council was called to order, but for lack of a quorum, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, April 30, 1942--4:30 P. M.

The City Council met in regular session Thursday, April 30, 1942 at 4:30 P. M., but adjourned for lack of a quorum.

Mayor

Glenn Morris
City Clerk

... , ... , ... :

... Mayor

Glenn Morris

... , ... , ...

The City ... in regular session Thursday, ... , ... , ... :, ... Mayor J. E. Divelbiss, Jr., presiding. Present: Councilmen ... , ... , ... , Miss Dyson, City Manager ... , Constable, Corporation Counsel ... , ... , and Mayor Divelbiss.

Minutes of ... meetings were read and ...

Ordinance No. 835, entitled, "AN ORDINANCE ... CITY OF ASHEVILLE ... MAY 31, 1942," was put upon its first reading with the following vote:

Councilmen Stevens voted "aye", Councilman Brown voted "aye", Councilman Dryson voted "aye", and Vice-Mayor Divelbiss voted "aye".

... City

Resolution authorizing the Mayor to execute quit-claim ... motion of Councilman Stevens, seconded by Councilman Brown, unanimously ...:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM ...

WHEREAS, on the 9th day of May, 1933 ... Bernard and ... Cluter, ... Martha Lyons certain real estate situate in the City of Asheville, ...; and

WHEREAS, said property is described in ...; and

WHEREAS, the grantees above failed to live up to the ... and deed came back on August 10, 1938 to J. W. Cluter and wife, ... and ...; and

WHEREAS, J. W. Cluter is now deceased; and

WHEREAS, ... Bernard and Bertha Lyons Cluter ... in said property; and

WHEREAS, the City of Asheville has a lien ...; and

WHEREAS, Bertha Lyons Cluter has deeded to ... 1942 for one-half undivided interest, making ... the sole ... ;

NOW, THEREFORE, BE IT RESOLVED by the ... :

That the Mayor of the City of Asheville be ... empowered to execute quit-claim deed to said property, ... collector of the City of Asheville who will deliver the same to the said ... of the taxes for 1938, ... prior year taxes, together with interest and ..., ... property for taxes for the period in which title was vested in the City of ...

I move the adoption of the foregoing resolution.

... Bernard
Councilman

Seconded by: ... Brown
Councilman

Read, approved and adopted, this 14th day of May, 1942.

J. E. Divelbiss, Jr.
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

...ing ...ordained ...ayor to execute Deed to E. T. Johnson and wife, Carrie Johnson, ... Councilman Brown, unanimously passed as follows:

...TO EXECUTE DEED TO
... T. Johnson and
... Carrie Johnson

...Whereas, on the 8th day of May, 1942 the City of Asheville sold at the ... to E. T. Johnson certain property hereinafter ..., said property having been advertised as required by law, said E. T. Johnson ... said property, said bid being in the sum of $[illegible]; and

..., said bid having been accepted by the City Council of the City of ...ville:

..., THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ...ville:

That the Mayor is hereby authorized and directed to execute a deed, ... City Clerk, to E. T. Johnson and wife, Carrie Johnson, for the ... described property:

Lots 71, 72, 73, 74, Sheet 12, Biltmore Land

... the adoption of the foregoing resolution.

C. E. Starnes
Councilman

Introduced by: C. Frod Brown
Councilman

...ly approved and adopted, this 14 day of May, 1942.

J. E. Divelbiss, Jr.
Vice-Mayor

Elena Morris
City Clerk

Approved as to Form:
Phillip D. Cooke, Jr.
...Corporation Counsel

...olution authorizing the Mayor to execute quit-claim deed to Dave Steel Company, Inc., ... Councilman Byers, unanimously passed as follows:

...AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED TO
... STEEL COMPANY, INCORPORATED

...Whereas, the City of Asheville deems it advisable to quit-claim to ... certain portion of land lying on Clingman Avenue; and

...Whereas, Dave Steel Company has agreed to build walls to retain the ... between Roberts Street and West Haywood Road, and construct ... wallway along the entire length of Clingman Avenue between Roberts ... Haywood Road, in consideration of said quit-claim deed;

...NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized to execute quit-claim deed to Dave Steel ... in the following described property:

BEGINNING at a point where the northern margin of Roberts Street intersects the western margin of the fifty foot right-of-way of Clingman Avenue, thence along said margin of Clingman Avenue N 19 deg. 15' E six hundred one and no hundredths (601.00) feet to the point of tangent of an arc of radius twenty feet connecting the southern margin of West Haywood Road with the western margin of Clingman Avenue; thence along said arc a distance of thirty-one and forty-two hundredths (31.42) feet to a point in the southern ... of West Haywood Road; thence S 70 deg. 45' E three and no hundredths (3.00) feet to the point of tangent of another arc of twenty foot radius; thence ... said arc a distance of thirty-one and forty-two hundredths (31.42) ... point of tangent; thence along a line three feet east of the western ... of Clingman Avenue S 19 deg. 15' W six hundred one and no hundredths (601.00) feet to a point; thence N 70 deg. 45 W three and no hundredths (3.00) ... to the BEGINNING. All bearings being magnetic, April, 1937, and parcel ... being that strip from the western side of the fifty foot right-of-way ... Clingman Avenue between Roberts Street and W. Haywood Road, said right ...-way being thereby reduced to a total width of forty-seven feet.

...above ... having ... valley ...

...ve the ...ldfire, this ... day, ...

...Wallace Duncan
...Commissioner

...seconded by: ...E. T. Clampe...
...Commissioner

..., ... and adopted ..., this 14 ... day, ...

...J. E. Divelbiss, Jr.
...Vice-Mayor

...Ilena Morris
...City Clerk

APPROVED AS TO ...:
Phillip D. Cooke, Jr.
CORPORATION ... Counsel

...

...E. T. Johnson, Attorney, ... Johnson, ... to the ... ... City Manager.

STATE OF ... CAROLINA
COUNTY OF ...

TO THE ... CITY COUNCIL OF THE CITY OF ..., ...:

...will take notice that on April ..., 1943, ... Johnson, was walking down the sidewalk on Coxe Street, in the City of ..., on the east side of the sidewalk, which was made especially for the ... and while ... on said sidewalk and just little in the lobby of the ... sidewalk broke in the ... and caused ... to fall, ... hurt the calf ... which she suffered ..., ... physician and still has ... to heal the ...

That the accident was caused by the ... staff hole where the City was ... which was ...

That Mrs. Johnson has suffered ... in medicine, ... housekeeper; ... hereby ... the City for the ...

...

...

...

Sworn to and subscribed before me this ..., ...

...

...

APPROVED AS TO ...:
Corporation Counsel

...

...Mrs. ... T. Johnson, Attorney, ... for alleged personal injuries ... The Corporation ... and City Manager.

NORTH CAROLINA :
BUNCOMBE ... :

TO THE ... CITY COUNCIL OF THE CITY OF ..., BUNCOMBE ..., NORTH CAROLINA:

...of the City of ..., ..., ... counsel, ..., ... personal injuries ... by her on the ... street in said City; that while ... she stepped into an opening which she afterwards ... surface of said sidewalk, and ... opening, ... limbs and ... ... injured and as a result of said injuries she has suffered ... remain in her home, unable to perform her household duties; that she still suffers severe pain as a result of said fall; that she is informed and believes that she will continue to suffer for some time to come, all as a direct and proximate ... on the part of

...repairs to sidewalk; that the ... accident, notwithstanding ... of the car, and ... of said recoil, nor ... thereof; that as a result of said recoil, ... plaintiff, ..., suffered, ..., the sum of Twenty-five Hundred ($2500.00) Dollars, ...

... May, 1942.

...
Mayor

...
City Clerk

...

...

...

[illegible] only slightly affect the [illegible]

[illegible] respectfully [illegible] that the [illegible] Drive and Park Avenue and [illegible], is lacking [illegible] and that the [illegible] and [illegible] of Park Avenue.

[illegible] respectfully request that until [illegible] Petition [illegible] to close, that portion of Park Avenue [illegible] Park Avenue.

[illegible] further respectfully petition the Council of the City of Asheville [illegible] said [illegible] deemed advisable, to [illegible].

Respectfully submitted,

CITY TAXPAYERS LEAGUE

By D. P. White
President

[illegible], the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

[illegible], May 21, 1942--4:30 P. M.

[illegible] Thursday, May 28, 1942 at 4:30 P. M., with [illegible]. Present: Councilmen Holmes Peyton, J. Paul Quinn, [illegible], Mayor Pro-Tem Council Philip C. Cocke, Jr., [illegible].

[illegible] approved.

[illegible] No. 998, entitled, "AN ORDINANCE [illegible] AND FIXING THE LICENSE TAXES FOR THE FISCAL YEAR BEGINNING JUNE 1, 1942 AND ENDING MAY 31, 1943" and [illegible] with the following vote:

[illegible] "aye", Councilman Quinn voted "aye" [illegible] "aye"

ORDINANCE NO. 998

AN ORDINANCE [illegible] AND FIXING THE LICENSE TAXES FOR THE FISCAL YEAR BEGINNING JUNE 1, 1942 AND ENDING MAY 31, 1943.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1

That [illegible] for general municipal purposes, the following license taxes [illegible] and levied for the privilege of carrying on the business, trades, [illegible], within the corporate limits of the City of Asheville, from June 1, 1942, to the thirty-first day of May, 1943, unless for some other time or period [illegible], and all such taxes shall be due and payable in advance at the office of the Director of Finance. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall except as hereinafter provided apply for and procure in advance, from the Director of Finance or some one designated by him, for license and upon the payment of the license, and upon the payment of the license tax herein imposed a license shall be issued to said applicant. [illegible] license must be posted conspicuously in the place of business licensed and if the business is [illegible] place of business, the license must be kept where it may be inspected at all times by the proper City officials. No license shall be transferable or assignable by consent of the City Manager.

[illegible]

Section 4

That before license shall be issued for any of the [illegible] applicant shall make a written application, payable to the [illegible], setting forth the [illegible] faithful observance of such license, and if [illegible] reference may be made to [illegible] application and [illegible] to the City [illegible] and [illegible] employ [illegible] by [illegible]:

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]
12. [illegible]
13. [illegible]
14. [illegible]
15. [illegible]
16. [illegible]
17. [illegible]

(*) A license [illegible] any [illegible] manager shall be [illegible] the [illegible] and [illegible] of such person, [illegible].

(*) That all [illegible] and [illegible] of [illegible] and [illegible] Council.

Section 5

That [illegible] shall be issued for any of the [illegible] applicant shall make a written application, payable to the [illegible], setting forth the [illegible] faithful observance of such license, and if reference may be made to [illegible] application and [illegible] to the City [illegible] and [illegible] employ [illegible] by [illegible]:

1. [illegible] ..... $ [illegible]
2. [illegible] ..... $ [illegible]
3. [illegible] ..... $ [illegible]
4. [illegible] ..... $ [illegible]
5. [illegible] ..... $ [illegible]
6. [illegible] ..... $ [illegible]
7. [illegible] ..... $ [illegible]
8. [illegible] ..... $ [illegible]

Section 6

That wherever the word "person" is used in this ordinance, it shall include "firms", "[illegible]", "corporation" and "associations".

Section 6

Where the amount [illegible] for license [illegible] of other facts to be [illegible], it shall be [illegible] Director of Finance [illegible] out of such [illegible], as the case may be, and such other [illegible] be rendered [illegible] Director of Finance; but in [illegible] to receipt for the [illegible] to any license until [illegible] business for which [illegible] is based upon gross sales, [illegible] probable gross sales [illegible] determined by other facts to be [illegible] the license based thereon. Provided, however, that the [illegible] any time during the period covered by any license [illegible] as to the sales [illegible] shall be paid in accordance therewith.

Section 7

When any business [illegible] began after June 1, 1942, the tax [illegible] may be [illegible] to the number of full quarters that have elapsed since June 1, 1942, [illegible] section fixing the tax. Provided, however, that no license shall be [illegible] ($1.00)

AMUSEMENTS ETC. ... 12

(a) Theatres, ... 12

(b) Circuses, ... 12

(c) Exhibitions, ... 12

(d) Billiard and pool tables, ... 12

(e) Bowling alleys, ... 12

(f) Dancing academies, ... 12

(g) Boxing and wrestling ... 12

(h) Skating rinks, ... 12

(i) Carnivals, ... 12

(j) Other amusements not ... 12

AUCTIONEERS ... 12

BANKS, TRUST COMPANIES, ETC. ... 12

BILLPOSTERS ... 12

BOARDING HOUSES ... 12

BOWLING ALLEYS ... 12

BROKERS ... 12

BUILDING AND LOAN ASSOCIATIONS ... 12

CANVASSERS ... 12

CARNIVALS ... 12

CHECK STUB BOOKS ... 12

CIRCUSES ... 12

CLUBS ... 12

COAL DEALERS ... 12

COMMISSION MERCHANTS ... 12

CONFECTIONERY ... 12

DANCING ACADEMIES ... 12

DEPARTMENT STORES ... 12

DRUGGISTS ... 12

EATING HOUSES ... 12

EXHIBITIONS ... 12

EXPRESS COMPANIES ... 12

FERTILIZERS ... 12

FIRE INSURANCE ... 12

FLOUR AND FEED ... 12

GARAGES ... 12

GASOLINE ... 12

GUNS AND AMMUNITION ... 12

HAWKERS AND PEDDLERS ... 12

HOTELS ... 12

ICE CREAM ... 12

INSURANCE ... 12

JUNK DEALERS ... 12

LIVERY STABLES ... 12

LOAN COMPANIES ... 12

MANUFACTURERS ... 12

MERCHANTS ... 12

MILLINERY ... 12

MOTOR VEHICLES ... 12

NEWSPAPERS ... 12

OIL ... 12

PATENT MEDICINES ... 12

PEDDLERS ... 12

PIANOS AND ORGANS ... 12

PLUMBERS ... 12

POOL TABLES ... 12

PUBLIC UTILITIES ... 12

REAL ESTATE ... 12

RESTAURANTS ... 12

SECURITIES ... 12

SHOWS ... 12

SKATING RINKS ... 12

SOFT DRINKS ... 12

STEAMSHIP AGENTS ... 12

STOCK BROKERS ... 12

TAILORS ... 12

TAXICABS ... 12

TELEGRAPH COMPANIES ... 12

TELEPHONE COMPANIES ... 12

THEATRES ... 12

TRUST COMPANIES ... 12

UNDERTAKERS ... 12

WAREHOUSES ... 12

WATER COMPANIES ... 12

WHOLESALERS ... 12

AMUSEMENTS ETC.

(a) Theatres, ... $ 100.00

(b) Circuses, ... 100.00

(c) Exhibitions, ... 100.00

(d) Billiard and pool tables, ... 100.00

(e) Bowling alleys, ... 100.00

(f) Dancing academies, ... 100.00

(g) Boxing and wrestling ... 100.00

(h) Skating rinks, ... 100.00

(i) Carnivals, ... 100.00

(j) Other amusements not ... 100.00

AUCTIONEERS

Per annum ... $ 100.00

BANKS, TRUST COMPANIES, ETC.

Every ... , not elsewhere ... 100.00

BILLPOSTERS

Every ... , before he ... 100.00

BOARDING HOUSES

Every ... , not exceeding ... 100.00

BOWLING ALLEYS

Every ... , not exceeding ... 100.00

BROKERS

Every ... , not elsewhere ... 100.00

BUILDING AND LOAN ASSOCIATIONS

Every ... , not elsewhere ... 100.00

CANVASSERS

Every person, firm or corporation engaged in the sale of ... shall pay a tax of, per annum ... 100.00

CARNIVALS

See "Shows".

CHECK STUB BOOKS

Every person, firm or corporation engaged in the sale of ... to the public in a form of counterfoil, in which there is printed a ... shall show, penny or ... total receipts for ... oil, ... petroleum, motor ... gasoline, or distillate ... shall pay for the privilege of ... a license tax as follows:

Total ... license for two (2) months or less ... $ 100.00

Total ... license for four (4) months ... 200.00

Total ... license for eight (8) months ... 400.00

Total ... license for twelve (12) months ... 800.00

Doughnuts,

" "

DECORATORS, INTERIOR

See "Interior Decorators"

DELICATESSENS

Every person, firm or corporation, operating a delicatessen stand, shall pay a license tax of, per annum - - -

PROVIDED, that any dog caught on the streets of the City of Asheville without a City license, shall be impounded and an impounding fee of $1.00 shall be paid, in addition to the license as prescribed in this ordinance, and if the dog is not called for within five days, the owner shall have no claim on said dog.

If the licenses on dogs are not paid within five days from date of notice, the owner will be subject to a summons to the Police Court of the City of Asheville.

The City Tax Office, upon positive identification of a dog biting any person, off the owner's premises, shall notify the owner to confine said dog at a licensed veterinarian for twenty-one days at the owner's expense.

Seven dogs or more, see "Kennels".

NOT PRORATED

DOUGHNUTS

All Brown Bobby or doughnut machines, each, per annum - - - - - - - - - - - - - - - - $10.00

DRUG STORE LUNCHES

See "Restaurants"

DRY GOODS AND/OR NOTIONS AT WHOLESALE

Every person, firm, or corporation selling dry goods, and/or notions, at wholesale, shall pay a license tax of, per annum - $25.00

DYERS

See "Pressing Clubs"

"E"

EGGS

See "Poultry and Eggs"

ELECTRICAL ENGINEERS

Exempt by State Statutes.

ELECTRICAL EQUIPMENT, FIXTURES OR SUPPLIES

Every person, firm or corporation, selling or distributing any electrical equipment, supplies, or fixtures, where the principal business done is electrical equipment, fixtures, supplies, shall pay a license tax of, per annum - $25.00

Where the principal business done is not from the sale of electrical equipment, fixtures, or supplies, a tax of, per annum - $10.00

ELECTRICAL CONTRACTORS, PLUMBERS, STEAM AND GAS FITTERS

See "Contractors".

ELECTRICAL LIGHT COMPANIES

On every electric light company, power company, gas company, or street railway company, doing business or having an office within the City, an annual license tax of one per cent of the gross receipts of its said business shall be paid.

ELECTRIC SIGNS

Every person, firm or corporation, selling, making or distributing electric signs, shall pay a license tax of, per annum---- $25.00

ELEVATORS AND/OR SPRINKLER SYSTEMS

Every person, firm or corporation engaged in the business of selling or installing elevators or automatic sprinkler systems shall apply for and procure an annual license for the transaction of such business and shall pay for such license a tax of - $50.00

PROVIDED, every person, firm, or corporation engaged in the business of repairing or servicing elevators or automatic sprinklers shall pay an annual license tax of - - - - - - - - - - - - - - - - $25.00

PROVIDED, however, that this tax shall not be collected unless such person, firm, or corporation maintains an established place of business in the City.

EMBALMERS

Exempt by State Statutes.

EMPLOYMENT AGENTS AND AGENCIES

(a) Emigrant Agents: Every emigrant agent or person engaged in the business of procuring laborers for employment outside of Buncombe County, shall pay a license tax of, per annum - - - - $100.00

NOT PRORATED

PROVIDED, that such tax shall not apply to any resident person for taking laborers to some place outside of Buncombe County for the purpose of using them for his own employment.

(b) Employment Agencies: Every person engaged in the business of operating any agency for employing cooks, house servants, office help, teachers, laborers, or persons for any employment whatsoever, and making a charge for the services rendered, shall pay a license tax of, per annum - - - - $25.00

NOT PRORATED

ENGINEERS, CIVIL

Exempt by State Statutes.

ENGRAVING OR LITHOGRAPHING ESTABLISHMENT OR SHOPS

Each, per annum - $25.00

ENTERTAINMENT, OPERAS, CHAUTAUQUAS, STAR COURSES OR THEATRICAL TROUPES

Such as usually appear in licensed halls, tents, or theatres, employed by or for charitable religious, beenvolent, or educational purposes, shall pay a license tax of, for each day or part of day's exhibition, or performance - $25.00

PROVIDED, however, that if such chautauquas, operas, star course, theatrical troupe, or entertainment, shall contain a State License Tax, as provided under Section 103, Sub-section G of the 1941 Revenue Act, shall pay a license tax of, for each week or part thereof - - - - - $20.00

EXPLOSIVES

Every person, firm or corporation, selling and/or distributing dynamite, powder, or other explosives, shall pay a license tax of, per annum - $25.00
License issued subject to special ordinance regulating explosives.

EXPRESS COMPANIES

(a) Every person, firm or corporation, domestic or foreign, engaged in the business of express company, as defined in the 1941 Revenue Act, shall pay for the privilege of doing such business within the municipal limits, a license tax of, per annum - - - - - - - - - - - - - - - - - - - $75.00

PROVIDED, when this license is paid the license tax under trucks in Section "B" is not collectible.

(b) Every person, firm or corporation, hauling or delivering express within the corporate limits of the City of Asheville, shall pay an annual license tax as follows:

On each motor vehicle of one ton capacity or less - - - - - - - - - -	$25.00
On each motor vehicle of more than one ton capacity and not more than two - -	35.00
On each motor vehicle over two ton capacity - - - - - - - - - - - - - - - - - -	40.00

EXHIBITIONS OR EXHIBITS NOT SPECIFICALLY TAXED HEREIN

Per day -	7.50
Per week -	35.00

"F"

FACTORIES, BARREL, CRATE, BASKET

See "Barrel Factories"

FACTORIES, BOX

See "Box Factories"

FARM PRODUCTS

See "Fruits and Produce"

FEATHER RENOVATORS

Each, per annum - $25.00

FERRIS WHEELS

See "Riding Devices"

FERTILIZER DEALERS

Every person, firm or corporation or their agents selling, delivering or distributing fertilizer or plant food, shall pay a license tax of each, per annum - - - - - - - - - - - - - - - - - $25.00

Mixers or manufacturers of fertilizers, shall pay a license tax of, per annum - - - - - - - - - 150.00

NOT PRORATED

Provided, however, only the latter shall be collect ed from a manufacturer who is also a dealer.

FILLING STATIONS

See "Automobile Service Stations"

FILM, MANUFACTURERS, SELLING OR LEASING

Exempt by State Statutes

FIREWORKS

Prohibited by State Statutes

FISH, ORNAMENTAL

Every person, firm or corporation, selling gold, silver, or other ornamental fish, alive, for use in an equarium, bowls, or other ornamental purposes shall pay a license tax of, per annum - $10.00

This tax shall not be collected when a pet shop license is obtained.

FISH, PEDDLERS OF

PROHIBITED

FISH AND PYSTER DEALERS

Each, per annum - 25.00

PROVIDED, that all dealers in fish and pysters shall secure a permit from the Health Officer

FIVE AND TEN CENT STORES

Every person, firm or corporation, engaged in the operation of a business commonly known and designated as a "Five and Ten Cent Store" or where the majority of the articles of merchandise are offered for sale and are priced at less than one dollar ($1.00) shall pay a license tax of, per annum - $300.00

PROVIDED, where this tax of $300.00 is paid, the"Chain Store" license tax, and all other license taxes levied by this ordinance on individual items, shall not be collectable, but otherwise, "Chain Store" tax and all of the other individual items shall be collectible.

FLAGS, ITINERANTS SELLING

See "Balloons"

FLOOR FINISHERS

Floor finishers using electrically operated machinery, shall pay a license tax of, per annum - $10.00

FLORISTS

(a) On every person, firm or corporation, operating or maintaining a shop or store for the sale of flowers or ornamental plants a license tax shall be paid of, per annum - $50.00

PROVIDED, that if any person, firm or corporation shall do an annual business of less than $2,500.00 and more than $1,500.00 the license tax on such business shall be - $35.00

PROVIDED, where such annual business is less than $1,500.00 a license tax of, per annum - $20.00

(b) On every person, firm or corporation, operating or maintaining a wagon or truck for the sale of flowers, or ornamental plants on the streets of the City, and not paying the foregoing tax, on each truck or wagon, shall pay a license tax of, per annum - $25.00

The foregoing tax shall NOT BE PRORATED

(c) Flower Peddlers, PROHIBITED on all business streets abd sidewalks within the fire district, except on curb market. See Curb Market ordinance for regulations.

FLOUR AND/OR GRIST MILLS

Every person, firm or corporation operating a flour and/or grist mill, shall pay a license tax of, per annum - $50.00

PROVIDED, where small grist mills grinding corn only, shall pay a license tax of, per annum - $10.00

FLOUR, MEAL AND FEED STORES

Every person, firm or corporation whose principal business is the selling of flour, meal and/or feed at wholesale or retail shall pay a license tax of, per annum - - - $25.00

PROVIDED, where retail grocery stores or other retail establishments, whose principal business is not the selling of feed, the tax shall be, per annum on feed - - - - $ 5.00

FLYING-JENNY OR MERRY-GO-ROUND

See "Riding Devices"

FORTUNE TELLERS

PROHIBITED

FOUNDRIES AND MACHINE SHOPS

Each, per annum - $50.00

Foundries or machine shops buying or selling old scrap brass, copper, or lead, are hereby required to keep the same records as are required of junk dealers.

FOUNTAINS, SODA

Every person, firm or corporation, engaged in the business of operating a soda fountain or soft drinks stand, shall pay a license tax as follows:

On each carbonated draft arm of each soda fountain, per annum - - - - - - - - $5.00

FRANCHISES, SPECIAL

See "Automobile Service Stations on Sidewalks or Streets".

FRATERNAL INSURANCE ORDERS

Exempt by State Statutes

FRUIT PEDDLERS

See "Fruits and Produce".

FRUIT STANDS

Every person, firm or corporation whose principal business is selling fruits, and/or vegetables shall pay for fruits and vegetables a license tax of - - - - - - - - - - $10.00

Every person, firm or corporation who's principal business is not selling fruits and/or vegetables shall pay for fruits and vegetables a license tax of - - - - - - $ 5.00

FRUITS AND PRODUCE--WHOLESALE

(a) Every person, firm or corporation, who maintains a permanent place of business for the purpose of selling at wholesale, fresh fruits, vegetables, and produce, in the City of Asheville, shall pay a license tax of, per annum - - - - - - - - - - - - - $80.00

This tax shall not apply to farmers selling or offering for sale fresh fruits, vegatables, or farm products grown by seller.

The annual city license tax must be applied for and secured in advance before offering any of the above products for sale in the City of Asheville. This license cannot be PRORATED.

FUEL OIL

Every person, firm, or corporation, engaged in the business of selling fuel oil at wholesale or retail, shall pay a license tax of, per annum - - - - - - - - - - - - - $25.00

FUR CLOTHING DEALERS

(a) Every person, firm or corporation, selling either fur coats, Chokers, fur scarfs, or other articles made in whole or in part out of fur, where 75 per cent of the gross sales or stock of merchandise carried consists of fur articles, shall pay a license tax of, per annum - $50.00

(b) Every person, firm, or corporation, engaged in the business of remodeling, repairing, or storing furs, employing two helpers or less, per annum - - - - - - $15.00
Employing more than two helpers, per annum - - - - - - - - - - - - - - - - - - $25.00

FURS--HIDES EXCEPTED

Dealers in green or raw furs n each, per annum - - - - - - - - - - - - - - - - $25.00

FURNACE DEALERS

Every person, firm or corporation selling or distributing furnaces or boilers, shall pay a license tax of, per annum - $50.00

PROVIDED, however, that where the principal business is not derived from the sale of furnaces and boilers, the tax shall be - $25.00

FURNITURE STORES

Every person, firm or corporation selling furniture, new or second-hand, at retail, having floor space of :

2,000 sq. ft. or less, to 4,000 sq. ft. per annum - - - - - - - - - - -	15.00
4,000 sq. ft. to 6,000 sq. ft. per annum - - - - - - - - - - - - - - -	25.00
6,000 sq. ft. to 8,000 sq. ft. per annum - - - - - - - - - - - - - - -	40.00
8,000 sq. ft. to 10,000 sq. ft. per annum - - - - - - - - - - - - - - -	60.00
10,000 sq. ft. and over, per annum - - - - - - - - - - - - - - - - - - -	80.00

At wholesale, per annum - $ 150.00

PROVIDED, however, that where any person, firm or corporation, operates a business not dealing with furniture exclusively, a tax shall be paid on the floor space donated to the sale of furniture, but in no case shall the license tax be less than $15.00 per annum.

Every person, firm or corporation buying or exchanging used furniture, shall, before beginning business, secure permit from the Health Officer.

"G"

GALLERIES, SHOOTING

Each, per annum - $25.00

NOT PRORATED

GAMES

Games for sport or play, including boxing and wrestling matches operated for profit, not herein specifically licensed, each exhibition or game - - - - - - - - - - - - - $5.00

The foregoing shall not be collected from inter-scholastic or inter-collegiate athletic contests or baseball games.

GAS COMPANIES

See "Electric Light Companies".

GASOLINE DISTRIBUTORS

See "Oils and Gasoline"

GASOLINE OR OIL PIPE LINES--ANNUAL

Laid in or across any public street, sidewalk, or alley, a tax of ten cents per lineal foot of such pipe line.

PROVIDED, however, that no such pipe line shall be paid without first obtaining a license or permit by the City Manager, which license or permit may be granted or refused in the discretion of the Council, in the interest of public safety or convenience.

GIFT AND SOUVENIR SHOPS

Every person, firm or corporation, engaged in the business of operating a gift or souvenir shop, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - - $10.00

GINGERALE, BOTTLING, OR WHOLESALE DEALERS

See "Bottling Works"

GLASS

Every person, firm or corporation, selling or distributing glass, shall pay a license tax of:

At wholesale, per annum - $100.00

At retail, per annum - 50.00

GOLF, MINATURE

Per annum - $10.00

GOODS, WARES, AND MERCHANDISE-- PEDDLING OF

(a) Any person, firm or corporation, who or which shall carry from place to place any goods, wares, or merchandise, and offer to sell or barter the same, or actually sells or barters the same, shall be deemed a peddler, and shall apply for and procure from the collector of special license taxes a municipal license for the privilege of transacting such business and shall pay for such license the following annual tax:

Peddling on foot, per annum -	$5.00
Peddling with horsedrawn vehicle, per annum - - - - - - - - - - - - - - - -	5.00
Peddling with passenger car or with small trucks, up to and including one-half ton capacity -	7.50
Trucks of over one-half ton capacity -	12.50

PROVIDED, However, that before license can be issued by the City to permit peddling within the Corporate limits of the City of Asheville, every such person shall exhibit to the Tax Collector his or its state license for the privilege of peddling.

Any person, firm or corporation employing the service of another as a peddler, whether on a salary or on a commission basis, shall be liable for the payment of taxes levied in this section.

(b) Any person, firm or corporation, who or which sells or offers to sell, from a cart, wagon, truck, automobile, or other vehicle, operated over and upon the streets within the City, any fresh fruits and/or vegetables shall be deemed a peddler within the meaning of this section, and shall pay the annual license tax levied in sub-section (a) of this section with reference to the character of vehicle employed.

(c) Any person, firm or corporation, who or which sells or offers for sale, from any railway car, fresh fruits and/or vegetables, shall be deemed a peddler within the meaning of this section and shall pay an annual license tax of - - - - - - - - - - - 12.50

Nothing in this section shall apply to the sale of farm products raised on the premises owned or occupied by the person, firm or corporation, his or its bona-fide agent, or employees, selling the same.

PROVIDED, however, before any person, firm or corporation, who or which sells or offers for sale any fruits or farm produce upon any street, sidewalk or alley, or from any railroad car, such person shall apply to the tax collector of the City of Asheville for a peddling permit, filing affidavit, sworn to and subscribed before a person authorized to administer oaths by the Laws of the State of North Carolina, swearing to the fact that all farm products to be sold during the tax year have or will be grown on premises owned or occupied by the person, firm or corporation, his or its bona-fide agent or employees selling the same, with description and location of the premises on which such farm produce or fruits has been grown or will be grown, mail address, and any other information which may be required from such person with reference to such raising or selling of the same. And, if entitled to sell such farm produce without the payment of a license tax herein provided, the tax collector shall issue a permit for such sales and, if liable, such permit shall not be issued until the tax prescribed herein shall have been paid in full. City employees are prohibited from notarizing any affidavit.

(d) Every person, firm or corporation not being a regular merchant in the City of Asheville, who shall display goods, wares, or merchandise in any building occupied, in whole or in part, for the sale of such goods, wares or merchandise, not being a regular merchant in this City, shall apply for in advance and procure city license for transacting such business and shall pay for such license - $100.00

(e) The provisions of this section shall not apply to any person, firm or corporation who or which sells or offers for sale books, periodicals, printed music, ice, coal, wood for fuel, fish, beef, mutton, pork, bread, cakes, pies, products of the dairy, or articles of their own manufacture, but shall apply to medicine, drugs, or articles assembled.

PROVIDED, the exceptions contained in this section shall not allow or permit the sale or barter of any article of merchandise of any kind which is now prohibited or regulated by any other ordinance of the City of Asheville.

(f) Exceptions: Whenever the Board of Commissioners of Buncombe County, upon proper application, exempts from the provisions of this section Confederate soldiers, disabled veterans of the Spanish-American War, disabled soldiers of the World War, who have been bona-fide residents of the State for twelve or more months continually, and the blind, who have been bona-fida residents of the State of North Carolina for twelve or more months continually widows with children, and such persons present to the collector of special license taxes of the City of Asheville a certified copy of such exceptions by said Board of County Commissioners, and such certificate shall entitle the holder thereof to peddle within the limits of said County without the payment of any license tax to the city, such persons shall be entitled to peddle within the corporate limits of the City of Asheville by reason of such exceptions; provided, however, that such exemption relieves only the holder thereof the payment of the license tax herein imposed on persons not exempted, but all other ordinances of the City of Asheville, with reference to the sale of goods, wares, and merchandise, shall apply to the persons so exempted.

NOT PRORATED

GRADING, PAVING, SIDEWALKS, SEWERS OR STORM SEWERS

See "Contractors and Construction Companies".

GRAPHOPHONES, PHONOGRAPHS, OR TALKING MACHINES

See "Organs, Pianos, and Phonographs".

GRAVEL

See "Building Materials"

GROCERIES

Wholesale, per annum - $25.00

GUN AND LOCKSMITHS

Each, per annum - $10.00

GYPSIES AND FORTUNE TELLERS

PROHIBITED

"H"

HAIRDRESSERS

See "Barber Shops, Etc."

HARDWARE DEALERS

Every person, firm or corporation engaged in the business of selling hardware, shall pay a license tax, per annum, as follows:

Where the principal business is derived from the sale of hardware - - - -	25.00
Where the principal business is NOT derived from the sale of hardware - - -	5.00

HARNESS OR SHOE REPAIRERS OR MANUFACTURERS

Each itinerant -	100.00
Each resident employing no workmen -	5.00
Each resident employing one workman -	7.00
Each resident employing two workmen -	9.00
Each resident employing three workmen - - - - - - - - - - - - - - - - - - -	15.00
Each resident employing four workmen -	24.00
Each resident employing five or more workmen - - - - - - - - - - - - - - - -	35.00

HAT CLEANERS OR DYERS

See "Pressing Clubs"

HATCHERY

Every person, firm or corporation engaged in the business of operating a chicken hatchery, shall pay a license tax of, per annum - 25.00

HATS

See "Millinery"

HEALING -- PROFESSIONAL ART

Exempt by State Statutes

HIDE DEALERS

Each, per annum - $100.00

HORSES, MULES AND PONIES--DEALERS IN

Every person, firm or corporation engaged in the business of buying and selling horses and/or mules and/or ponies, shall pay a license of, per annum - - - - - - - - - - - - 12.50

HOSPITAL SUPPLIES-- DEALERS IN

Every person, firm or corporation engaged in the business of selling or distributing hospital supplies shall pay a license tax, per annum - - - - - - - - - - - - - - - - - 40.00

PROVIDED, however, the tax shall not be collected from persons, firms, or corporations operating a drug store.

HOTELS

Every person, firm or corporation engaged in the operation of any hotel, shall pay the following tax, per annum - - - -

(a) American Plan: For hotels operating on the American Plan for rooms in which rates per day are:

Less than $2.00 -	.30
$2.00 and less than $3.00 -	.45
$3.00 and less than $4.50 -	.90
$4.50 and less than $6.00 -	2.10
$6.00 and less than $7.50 -	2.70
$7.50 and less than $15.00 -	3.00
Over $15.00 -	3.60

(b) European Plan: For hotels operating on the European Plan, for rooms in which rates per day are:

Less than $2.00 -	.60
$2.00 and less than $3.00 -	1.50
$3.00 and less than $4.50 -	2.25
$4.50 and less than $6.00 -	2.75
$6.00 and less than $7.50 -	3.25
$7.50 and less than $10.00 -	3.75
Over $10.00	

PROVIDED, however, the office, dining room, parlor, kitchen and two other rooms shall not be counted when calculating the number of rooms in the hotel.

HOTEL AND RESTAURANT EQUIPMENT--DEALERS IN

Every person, firm or corporation engaged in the business of selling or distributing equipment for hotels or restaurants, whether for the culinary or other departments, shall pay a license tax of, per annum - 50.00

HOUSE MOVING, WRECKING HOUSES OR OTHER STRUCTURES

Every person, firm or corporation engaged in the business of moving, demolishing or wrecking houses or other structures, shall pay a license tax of, per annum - - - - - - - 25.00

PROVIDED, however, when this license is paid, license under second-hand building material is not collectible.

HYPNOTISTS

PROHIBITED

"I"

ICE CREAM -- ITINERANTS SELLING

See "Balloons"

ICE CREAM -- RETAIL MANUFACTURER OR WHOLESALE DEALERS

(a) Each retail dealer, per annum - 2.50

PROVIDED, that a retail tax shall not be collected from restaurants or drug stores who have paid the prescribed tax.

(b) Every person, firm or corporation engaging in the business of manufacturing or distributing ice cream at wholesale, shall pay a tax of one-eight (1/8) of a cent for each gallon manufactured, sold and/or distributed. Reports shall be made to the Director of Finance on such form as he may approve on the 1st day of December and 31st day of May of each tax year, covering all such gross sales during the six months' period, said tax of one-eight (1/8) of a cent per gallon, shall be paid within and at the time of making said reports. For the purpose of this section, the words "ice-cream" shall apply to ice cream, frozen custards, sherbets, water ices and/or similar frozen products.

(c) Ice Cream peddlers, shall pay a license tax of, per annum - - - - - - - - - - - - - - - 25.00

License issued, subject to approval and supervision of the Health Department and before party making application can be granted a license, it will be necessary to have a written statement from the Health Officer that the proposed method of handling ice cream is approved by him.

For the purpose of this section, "ice cream " shall apply to ice cream, frozen custards, sherbets, water ice, and/or similar frozen products.

ICE DELIVERY SERVICE

Every person, firm or corporation selling and/or delivering ice which has been purchased from a manufacturer who has paid the ice manufacturer's license, the tax shall be on each vehicle, per annum - - $10.00

Every person, firm or corporation selling and/or delivering ice which has been purchased from a manufacturer who has not paid the ice manufacturer's license, the tax shall be per vehicle, per annum - $50.00

PROVIDED, however, that this shall not apply to persons, firms or corporations, who pay the license tax under "Ice Manufacturers or Dealers".

ICE DEPOTS

On each retail depot with electric refrigeration, a license tax shall be paid, per annum - - $25.00

On each retail depot without electric refrigeration, a license tax shall be paid, per annum $12.50

ICE MANUFACTURERS OR DEALERS

Any person, firm or corporation, manufacturing ice, shall pay a license tax of, per annum 150.00

PROVIDED, that where the manufacturing plant is outside of the City but the business is selling and delivering within the City, shall pay a license tax of, per annum 150.00

NOT PRORATED

IMPLEMENTS

See "Agricultural Implements and Machinery"

INSURANCE AGENTS

Exempt by State Statutes

INSURANCE FIRE COMPANIES

Exempt by State Statutes

INSURANCE FIRE ADJUSTERS

Exempt by State Statutes

INSURANCE --FRATERNAL ORDERS

Exempt by State Statutes

INSURANCE -- TITLE

See "Title Insurance ".

INTERIOR DECORATING AND WALL-PAPER HANGING

Every person, firm or corporation engaged in the business of paper-hanging or engaged in the business of interior decorating, shall pay a license tax, as follows:

Wall-paper hanging, per annum -	$10.00
Interior decorating, per annum -	10.00

Interior decorating does not include painting or wall-paper hanging.

"J"

JEWELRY

Every person, firm or corporation operating a jewelry store, or shop, or selling plated and silverware, shall pay a license tax of, per annum - 45.00

Every person, firm or corporation having a jewelry department, or selling plated or silver ware, but not engaged principally in the sale of jewelry, or plated or silverware, shall pay a license tax of, per annum - 10.00

NOT PRORATED

PROVIDED, that no person shall be allowed to make jewelry, key rings, tags, and trinkets upon public property or on the streets, sidewalks or alleyways of the City.

JEWELRY REPAIR SHOPS--- OR WATCHMAKERS

Every person, firm or corporation operating a jewelry or watch repair shop shall pay a license tax of, per annum - - -

MACHINE SHOPS

Each, per annum - - -

MILLINERY MERCHANTS

Every person, firm or corporation selling millinery, shall pay a license tax of, per annum - - -

ORGAN AND PIANO TUNERS OR REPAIRERS

Organ or piano tuners or repairers, per annum - - -

Application for permit to exhibit must be made in the same manner as herein required of a circus, and no performance shall be given unless permit is granted.

PIPE OR CEMENT BLOCKS

See "Cement Blocks"

PISTOLS

Every person, firm or corporation who is engaged in the business of keeping in stock, selling, and/or offering for sale any of the articles or commodities hereinafter enumerated, shall pay the following tax, per annum:

(a) For pistols - - -

RESTAURANTS, LUNCH ROOMS, HOTEL DINING ROOMS OR DRUG STORES

(a) Every person, firm or corporation engaged in the business of operating a restaurant, cafe, cafeteria, hotel with dining service on the European Plan, drug store, or other place where prepared food is sold, shall pay an annual license tax based on the number of persons provided for with chairs, stools, or benches, and shall be 50¢ per seat, with a minimum tax of - 2.50

(b) All other stands or places where prepared food is sold as a business, and drug stores, service stations, and other stands or places where prepared sandwiches only are served, shall pay an annual license tax of - 2.50

RIDING DEVICES

Every person, firm or corporation engaged in the operation of a bagatelle, table, merry-go-round, flying jenny, ferris wheel, whip, tango swing, caterpillar, tumble-bug, hobby-horse, switchback railway, shooting gallery, skating rink, or other amusement devices of a like kind, or a place for other games or play with or without same, (unless used solely and exclusively for private amusement and exercise) at a permanent licensed place, shall procure a special license for the privilege of operating such objects of amusements, and shall pay for each object enumerated the following tax, per annum - - - 25.00

ROOMS OR HALLS USED AS THEATRES

See "Halls"

ROOTS AND HERBS

Every person, firm or corporation buying or selling roots, herbs, or other medicinal plants, shall pay a license tax of, per annum - 150.00

RUBBER STAMPS

Every person, firm or corporation engaged in the exclusive business of manufacturing rubber stamps, stencils and seals, where 75 per cent of the business if derived from the manufacture of such articles, shall pay a license tax of, per annum - - - - - - - - - - - 25.00

"S"

SALVAGE DEALERS

Every person, firm or corporation buying, selling and/or dealing in bankrupt stocks, factory job lots and second-hand materials of all kinds, shall pay a license tax of, per annum - 300.00

PROVIDED, where this license is paid all other taxes levied by this ordinance on individual items shall not be collectible.

PROVIDED, where the above tax is paid other classifications shall not apply.

SAMPLES AND SIGN DISTRIBUTIONS, ETC.

See "Advertising"

SAND, STONE AND GRAVEL DEALERS

Every person, firm or corporation selling or delivering into the City of Asheville, sand, stone, or gravel shall pay an annual license tax of - - - - - - - - - - - 20.00

SANDWICHES

Sandwiches, wholesale, per annum - 15.00
Sandwiches, retail, per annum - 2.50

SCALE DEALERS

Each dealer in, or agemt for, shall pay a license tax of, per annum - - - - - - 25.00

SECOND-HAND AUTOMOBILE EQUIPMENT

See "Automobile Equipment -- Used Parts"

SECOND-HAND CLOTHING

See "Clothing"

SECURITY DEALERS

(a) Every person, firm or corporation who or which is engaged in the business of dealing in securities as defined in Section 132 of the 1941 Revenue Act, or who or which maintains a place for or engages in the business of buying and/or selling shares of stock in any corporation, bonds, or any other securities on commission or brokerage, shall pay for the privilege of transacting such business, a license tax of, per annum - - - - - - 50.00

(b) PROVIDED, every dealer as defined herein, other than banks or trust companies, shall pay a license tax for the privilege of transacting such business at each office.

(c) If every such person, firm or corporation described in sub-section (a) hereof maintains, and/or operates a leased or private wire and/or ticker service shall be - 50.00

SEEDS AND PLANTS

Every person, firm or corporation selling or distributing bulk and package, farm and garden seeds, plants, bulbs, roots, shall pay a license tax of, per annum - - - - - - - - 25.00

Selling bulk and package seeds only, per annum - - - - - - - - - - - - - - - - - - - 15.00
Selling plants and package seeds only, per annum - - - - - - - - - - - - - - - - - - 10.00
Selling package seeds only in boxes of 330 packages or less, per annum - - - - - - 1.00
Over 660 packages, per annum - 3.00
Boxes of over 330 packages and not over 660 packages, per annum - - - - - - - - - 2.00

NOT PRORATED

SEWERS, GRADING, PAVING, SIDEWALKS, OR STORM SEWERS

See "Contractors"

SEWER PIPE

Every person, firm or corporation selling sewer pipe, shall pay a license tax of, per annum - 50.00

No tax collected hereunder where building material tax is collected or where electrical contractor, plumber, steam and gas fitter tax is collected.

See "Electrical Contractors", etc.

SHOE OR HARNESS MANUFACTURERS OR REPAIRS

See "Harness Manufactures"

SHOE SHINE PARLORS

See "Bootblack Stands"

SHOE MERCHANTS

Every person, firm or corporation selling shoes at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually - 5.00
$2,000 and less than $5,000 - 10.00
$5,000 and less than $10,000 - 15.00
$10,000 and less than $15,000 - 20.00
$15,000 and less than $25,000 - 25.00
$25,000 and less than $35,000 - 30.00
$35,000 and less than $50,000 - 40.00
$50,000 and less than $75,000 - 50.00
$75,000 and over - 75.00

SIDEWALKS, GRADING, PAVING, SEWERS, OR STORM SEWERS

See "Contractors"

SIGN PAINTING

On sign painting contractor not employing any workmen, each per annum - - - 10.00
On any sign painting contractors employing two workmen or less - - - - - - - 15.00
Two or four workmen - 20.00
Four to six workmen - 25.00
Six or more workmen - 30.00
Itinerant sign painters, per annum - 100.00

SIGN TACKING, PRINTED ADVERTISEMENTS, ETC.

See "Advertising"

SILVER PLATING

Every person, firm or corporation engaged in the business of silver plating shall pay a license tax of, per annum - 25.00

SKATING RINKS

See "Riding Devices"

SLEIGHT OF HAND EXHIBITIONS

PROHIBITED

SLING SHOTS

See "Bowie Knives"

SLOT MACHINES

See "Machines, Slot"

SODA FOUNTAIN SUPPLIES

Every person, firm or corporation selling or distributing fruits, syrups, or other supplies used at a soda fountain, where fifty per cent of the gross sales or stock of merchandise carried consists of fruits, syrups, or other supplies used at a soda fountain, shall pay a license tax of, per annum - 50.00

SODA FOUNTAINS

See "Fountains, Soda"

SOFT DRINKS -- SALE OF

On each person, firm or corporation selling bottled soft drinks, a license tax shall be paid of, per annum -

SOFT DRINKS--ITINERANT SELLING 2.50

See "Balloons"

SOFT DRINKS

See "Drinks," also "Bottling Companies"

SOUVENIR SHOPS

See "Gift and Souvenir Shops"

SOUVENIR -- ITINERANT SELLING

See "Balloons"

SPRINKLER SYSTEMS

See "Elevators"

SPICES AND FLAVORING EXTRACTS

See "Goods, Wares and Merchandise"

STABLES, LIVERY

See "Livery Stables"

STAMPS, RUBBER

See "Rubber Stamps"

STANDS, BOOTBLACK

See "Bootblack Stands"

STANDS, FRUIT

See "Fruit Stands"

STANDS, LEMONADE -- PUBLIC OCCASIONS

See "Lemonade Stands"

STAR COURSES

See "Chautauquas"

STATIONS, GASOLINE OR AUTO CLEANING

See "Automobile Service Stations"

STEAM SHOVELS

On each and every steam, gas, or motor driven shovel operated in the City of Asheville, a license tax shall be paid of, per annum - - - - - - - - - - - - - - 25.00

NOT PRORATED

STEAM AND GAS FITTERS

See "Electrical Contractors", etc.

STENOGRAPHERS, PUBLIC

See "Public Stenographers"

STOCK BROKERS

See "Brokers, Stock"

STOCK YARDS OR PENS

Every person, firm or corporation operating or maintaining a yard or pen where live stock is loaded, unloaded, fed or watered, shall pay on each yard or pen, a license tax of, per annum - 250.00

PROVIDED, that any person, firm or corporation conducting a live stock exchange or market, or engaging in the business of purchasing and re-selling live stock at auction or otherwise and/or receiving and shipping live stock, shall pay on each yard, a license tax of, per annum - $ 75.00

PROVIDED, further, that the provisions of this tax shall not be collected from packing houses, operating or maintaining a stock yard or pen, who have paid the prescribed tax on packing houses.

STOCK AND MERCHANDISE BROKERS

See "Broker, Merchandise and Stock"

STORAGE OR TRANSFER WAREHOUSES

Where a charge is made for storage service, other than cold storage a license tax shall be paid of, per annum - 50.00

STORM SEWERS, GRADING, PAVING, SIDEWALKS AND SEWERS

See "Contractors"

STOVES, RANGES -- INSTALLATION

Every person, firm or corporation selling or offering for sale stoves, ranges gas or other water heaters, where same is connected with the water system of the City of Asheville, shall pay a license tax of, per annum - 20.00

It shall be unlawful for any person, firm or corporation to install ranges, stoves, gas or other water heaters where the same is connected with the water system of the City of Asheville, unless such installation is made by a licensed plumber under the provisions of the plumbing ordinance.

SUGAR

See "Tea, Coffee and Sugar"

SUPPLIES FOR TYPEWRITER MACHINES

Agents or dealers in supplies for typewriter machines, shall pay a license tax of, per annum - 25.00

SURGEONS --VETERINARY

Exempt by State Statutes

SWITCHBACK, RAILROADS OR ROLLER COASTERS

See "Riding Devices"

SYRUP, TABLE

Every person, firm or corporation manufacturing table syrup, shall pay as a license tax, per annum - - - - -

Where employing one person - 10.00
Where employing two persons - 15.00
Where employing more than two persons - 25.00

"T"

TAILORS, MERCHANT

See "Merchant, Tailors"

TALKING MACHINES

See "Organs, Pianos and Phonographs"

TANNERIES

Each, per annum - 150.00

TEA, COFFEE AND SUGAR

Every person, firm or corporation engaged in the business of selling tea, coffee and sugar, where 50% of the business is derived from the sale of tea, coffee, and sugar, shall pay a license tax of, per annum - 25.00

TELEGRAPH COMPANIES

Every person, firm or corporation, domestic or foreign, engaged in operating the apparatus necessary to communication by telegraph within the corporate limits of the City of Asheville, shall pay a license tax of, per annum - 50.00

TELEPHONE COMPANIES

See "Franchise Ordinance"

TEMPORARY STORES

Every person, firm or corporation engaged in operating a temporary store as defined in Ordinance 183 within the City of Asheville shall make a deposit as an occupational tax to said City of Asheville for the use and benefit of said City in the sum of $200.00 in cash, and shall also pay the regular license tax under individual classification. In lieu of the $200.00 cash deposit any such person shall be required to furnish a bond, subject to the approval of the Legal Department, in the sum of $200.00 payable to the City of Asheville.

PROVIDED, however, that said store remains open and operating for a period of twelve months within the corporate limits of the City of Asheville and then and in that event the $200.00 deposited as an occupational tax shall be refunded by the Tax Collector of the City of Asheville.

A temporary store shall be classed as under Section 2 of Ordinance 183 of the City of Asheville, except that same is hereby changed from One Hundred Eighty (180) days to twelve months period.

TENTS AND AWNINGS

See "Awnings"

TERMITE EXTERMINATORS

Every person, firm or corporation engaged in operating a business of exterminating termites shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - 25.00

PROVIDED, where a termite exterminator is licensed under some other classification the tax shall be, per annum - - -

The foregoing tax shall not be collected from restaurants or drug stores who have paid the prescribed tax, and all sales shall be subject to ordinances applicable to food handling establishments.

WEIGHING MACHINES

See "Machines, Slot"

WELDING SHOPS

Every person, firm or corporation who makes repairs on anything by welding, shall pay a license tax of, per annum - $25.00

WEINER STANDS, HOT-DOGS, AND WEINNES

See "Restaurants"

WILD WEST SHOWS

See "Circuses"

WINDOW CLEANERS

Every person, firm or corporation, engaged in the business of washing windows, cleaning floors, or general housecleaning, shall pay a license tax of, per annum - - -

Where employing one person - 10.00
Where employing two persons - 20.00
Where employing more than two persons - - - - - - - - - - - - - - - - - - 30.00

WINE

See "Special Ordinance No. 241"

WOOD, KINDLING -- CHAMICAL

(a) Every person, firm or corporation selling wood for fuel purposes, shall pay a license tax of, per annum - 5.00

(b) Every person, firm or corporation selling chemical kindling, shall pay a license tax of, per annum - 50.00

WOOD YARDS

Saw operated by power, per annum - 15.00
Saw operated by hand, per annum - 5.00

PROVIDED, coal yards paying the $75.00 license tax are not required to pay this additional license for handling wood.

Coal yards paying only the $5.00 license tax shall pay for operating a power saw an additional tax of, per annum - 10.00

WOOLEN MILLS

Every person, firm or corporation operating a mill manufacturing woolen cloth shall pay a license tax of, per annum - 100.00

WRESTLING AND BOXING

See "Games"

"Y"

YEAST

Every person, firm or corporation selling or distributing yeast at wholesale, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - - 100.00

"MISCELLANEOUS"

ALL BUSINESS, TRADES, PROFESSIONS, GAMES, DEVICES, OR OTHER UNDERTAKINGS PROSECUTED FOR PROFIT, OR GAIN, NOT TAXED HEREIN

Per annum - 25.00
Per quarter - 15.00
Per month - 10.00
Per day - 3.00

Section 17

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or schedule, shall, upon conviction, be liable for a penalty of fifty dollars ($50.00)

Section 18

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any tax heretofore levied or assessed, or the validity of any sales for taxes heretofore made, or any right heretofore acquired under any ordinance of this City.

I move the adoption of the foregoing ordinance this 14 day of May, 1942.

Holmes Bryson
Councilman

Seconded BY: C. Fred Brown
Councilman

Read, approved and adopted by the Council on 1st reading 14th day of May, 1942, Second reading 21 day of May, 1942 and 3rd reading on 28th day of May, 1942, to be effective June 15, 1

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Glenn Morris

Vice-Mayor

J E Divelbiss Jr

The City Council met in regular session Thursday June 4, 1942, at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr., presiding. Present: Councilmen Holmes Bryson, Gary E. Hughes, H. G. Etheridge, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Divelbiss.

Minutes of the previous meeting were read and approved.

Letter was read from Mr. Marshall W. Orr, in which he asked that his resignation be accepted as Assistant Police Court Judge. The City Council accepted his resignation with regret, upon motion of Councilman Brown, seconded by Councilman Starnes.

Mr. Burgin Pennell, Attorney for the Waldesian Bakery at Valdese, N. C., requested that the Council change that section of the Revenue Ordinance levying a license tax of $150.00 per annum on Bakeries outside the City delivering products in the City. Vice-Mayor Divelbiss explained that the City Council was making a thorough investigation on this subject, and would have an answer for him when this information was complete.

Mr. P. M. Burdette, City Manager, announced that conferences with various representatives of the different sections affected by Bus changes announced by the White Transportation Co. was held in his office from 2:30 until 4:30, and had adjourned until Tuesday at 3 o'clock, at which time conferences would be resumed.

Miss Jane Dewendorf was present and said she had a petition representing Murdock Ave., but did have it complete and was told that she would work on it until Tuesday at 3 O'clock when other conferences would be held.

E. W. Pearson, Secretary of the Buncombe County Negro Agricultural Fair, asked the Council for a donation of $400.00 for the Fair this year. This was referred to the City Manager.

COUNCILMAN BRYSON

Councilman Holmes Bryson suggested that the City Manager be instructed to see that the Police Department enforce the 30 mile speed limit not only as a means of safety, but to conserve rubber. The Vice-Mayor asked that the City Manager convey this suggestion to the Chief of Police.

Councilman Etheridge was welcomed back after a lengthy illness.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Vice-Mayor

J E Divelbiss Jr

The City Council met in regular session Thursday, June 11, 1942, at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr., presiding. Present: Councilmen H. G. Etheridge, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Divelbiss.

Minutes of the previous meeting were read and approved.

Upon motion of Councilman Etheridge, seconded by Councilman Starnes, Mr. Reed Kitchin was nominated as Assistant Judge of Police Court to fill the vacancy created by the resignation of Mr. Marshall Orr. This motion was unanimously adopted, and Mr. Kitchen was administered the oath of office by Vice-Mayor Divelbiss.

Ordinance No. 286, entitled "WAR EMERGENCY ORDINANCE - AN ORDINANCE PROVIDING FOR BLACKOUT AND AIR-RAID PROTECTION; AUTHORIZING THE CITY MANAGER TO MAKE CERTAIN RULES AND REGULATIONS; AUTHORIZING EMERGENCY PLANS INVOLVING THE PUBLIC PEACE, HEALTH AND SAFETY; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY" was put on its first reading with the following vote:

Councilman Etheridge voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", and Vice-Mayor Divelbiss voted "aye".

It was moved by Councilman Brown, seconded by Councilman Starnes, that rules be suspended and the ordinance be put on its second and third reading. This motion carried and the ordinance was then placed on its second reading with the following vote:

Councilman Etheridge voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", and Vice-Mayor Divelbiss voted "aye".

The ordinance was then put on its third and final reading with the following vote:

Councilman Etheridge voted "aye", Councilman Brown voted "aye", Councilman Starnes voted "aye", and Vice-Mayor Divelbiss voted "aye".

The ordinance was ordered published and will take effect fifteen days after passage.

ORDINANCE NO. 286

WAR EMERGENCY ORDINANCE

AN ORDINANCE PROVIDING FOR BLACKOUT AND AIR-RAID PROTECTION; AUTHORIZING THE CITY MANAGER TO MAKE CERTAIN RULES AND REGULATIONS; AUTHORIZING EMERGENCY PLANS INVOLVING THE PUBLIC PEACE, HEALTH AND SAFETY; DEFINING OFFENSES AND PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, a state of war exists between the United States of America and Germany, Japan and Italy, and their allies, and the defense of the United States of America is in the hands of the Army and Navy; and

WHEREAS, in modern warfare no city, however distant from the enemy, is free from attack; and

WHEREAS, lights at night time are a definite aid to the enemy in reaching military and other objectives; and

WHEREAS, blackouts and other precautions are essential to the preservation of life and property in this city, and it is imperative that the City of Asheville aid the Army and Navy by all possible cooperation and assistance, and also take all precautions which may be necessary for the protection, safety and welfare of lives and property within the City of Asheville; and

WHEREAS, failure to extinguish lights when ordered to do so by duly authorized authorities may result in loss of life by thousands of the residents of the City of Asheville as well as the residents of other parts of the State and of the Nation when lights in this City are used by the enemy as a guide to other objectives; and

WHEREAS, failure to promptly comply with orders, rules and regulations governing evacuations, traffic movements, congregation of persons in streets and other public places, and failure to comply with other precautionary measures will result in confusion, hampering and impeding the work of fire fighters, police, air-raid wardens, decontamination squads and others engaged in civilian defense activities, and will result in unnecessary loss of life and destruction of property both during blackouts and during air raids in the daytime, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. Definitions. In construing the provisions of this ordinance the following definitions shall be applied:

Air-Raid and Blackout Warnings. The term "Air-Raid and Blackout Warning", as used in this ordinance shall mean a series of short intermittent blasts of sirens or whistles, or both, for a duration of two minutes.

All-Clear Signal. The term "All-Clear Signal", as used in this ordinance shall mean a continuous blast of sirens or whistles, or both, for a duration of two minutes.

Section 2. All Lights Out. Immediately after the sounding of an air-raid warning all lights, signs and other forms of illumination within the City of Asheville shall be completely extinguished and remain extinguished until the all-clear signal is given, except as hereinafter provided. In no event, however, notwithstanding any other provisions of this ordinance, shall any lights be allowed to be visible from the air from the time an air-raid alarm is given until the time when the all-clear signal is given.

Section 3. Dwellings, Homes, Hotels, and Apartments. Whenever an air-raid or blackout warning is given it shall be the duty of every person in a dwelling of any kind, whether it be a home, hotel, room, cabin, stationary trailer, or apartment, or any other type of dwelling, to immediately turn out and extinguish all external lights used in connection therewith and all open fires in grates or stoves, and to completely obscure and mask all windows, doors, skylights, and all other exterior openings in the same with shades, blinds, curtains, blankets, screens, paint, paper, cardboard or other dark material so that no light or illumination whatsoever from said building or room will be visible from the outside; and if this cannot be done, then it shall be the duty of every such person to turn off all lights, but not to use the main switch for said purpose, and to completely extinguish all fires in grates or stoves. All provisions of this section shall be complied with from the time the air-raid and blackout warning is given until the all-clear signal is given.

Section 4. Leaving Dwellings, Homes, Hotel Rooms and Apartments Unoccupied. During the period in which this ordinance is in effect it shall be unlawful for any person to leave any house, hotel room, apartment house or other living quarters unoccupied between the hours from the beginning of dark until the full dawn of the following morning without all lights in such house, hotel room, apartment house or other living quarters being completely extinguished, unless all windows, doors, skylights, and all other openings through which light may pass to the exterior are completely covered and obscured with such material as will completely exclude the passage of light or illumination to the outside and make the same completely invisible from any point on the outside. This provision shall include light from open fires in grates or stoves, which must be either put out or screened in such a manner as to make the light invisible from the air.

Section 5. Restaurants, Stores, Theatres, Etc. The operators of restaurants, stores, theatres and other like establishments may during air-raid alarms, burn lights, provided all light openings are sufficiently covered to prevent the escape of light to the exterior, and provided the doorways used are properly screened to prevent the escape of light when they are opened. These provisions shall apply until the all-clear signal is given.

Section 6. Hospitals. During air-raid alarms, lights may be burned in all hallways, laboratories, storerooms and sick rooms of hospitals, provided all exterior openings are completely covered with a material which prevents any light or illumination from being visible from the outside. In operating rooms the usual amount of strong lights may be burned, provided the windows, skylights and other light openings are completely covered by heavy black cloth drapes or other materials which will completely exclude the passage of light to the outside and completely make said light invisible from any point on the outside of the building.

Section 7. Industrial and Manufacturing Plants, Office Buildings, Warehouses, Railroad Stations, Schools, Churches, and Other Institutions. During air-raid alarms lights in industrial and manufacturing plants, office buildings, warehouses, railroad stations, schools, churches, libraries, and other institutions, may be kept on or turned on only where through the use of shades, blinds, curtains, blankets, screens, paint, or other sufficient material no lighting or illumination is visible from the outside. If by the use of such materials and devices all lighting cannot be rendered completely invisible from any point on the outside of such building, then all lights shall be completely extinguished.

All doorways and other passageways used in connection with any such building shall, during air-raid alarms, be equipped with interior screens or other devices which will prevent the escape of light and render the light from the interior entirely invisible to the exterior of the building when such doors or other passageways are being used.

Section 8. Responsibility. During air-raid alarms the occupant of any portion of a building shall be responsible for the observance of these ordinances and the regulations issued hereunder as to such portion thereof as he may occupy.

If one occupies an entire building he shall be responsible for the observance of these ordinances and the regulations issued hereunder as to the whole of such building.

In the case of hotels, restaurants, office buildings, theatres, apartment houses, lodging houses, boarding houses, libraries, schools, churches, railroad stations, hospitals, and other buildings to which the public is permitted or invited, or as to any portion of which there is a common use by the occupants thereof, the owner, lessee, or the person or persons in charge of the operation thereof, as the case may be, shall be responsible for the observance of these ordinances and of regulations adopted pursuant hereto as to all portions of the building to which the public is permitted or invited or as to which there is a common use by the occupants thereof.

In the case of vacant buildings or vacant portions of buildings, the owner, the lessee or the person or persons in charge thereof shall be responsible for the observance of these ordinances and of the regulations adopted pursuant hereto with respect to such vacant buildings or vacant portions thereof, as the case may be, as he shall own, lease, or have in his charge.

In the case of signs, billboards and other similar structures, the owner, the lessee or the person or persons in charge of the operation of such sign, billboard, or other similar structure, as the case may be, shall be responsible for the observance of these ordinances and of the regulations adopted pursuant hereto.

In the case of street, traffic, beacon, warning, danger and other public lights on and in the streets, lanes, alleys, squares, parks, and bridges of the City of Asheville, The Carolina Power and Light Company shall be held responsible for the observance of these ordinances and of the regulations adopted pursuant hereto.

Section 9. Opening Doors, Windows, and Other Exits. It shall be unlawful for any person to open a door, window, or any other exit during an air-raid alarm and before the all-clear signal has been given, if the opening of the same will allow light to be visible from the outside.

Section 10. Lights on Signs, Billboards, etc. During an air-raid warning all lights on any sign, billboard, or other similar structure shall be immediately put out and extinguished, and kept extinguished until the all-clear signal is given.

Section 11. Street, Traffic, Beacon, Warning and Danger Lights on Public Streets, Alleys, Parks, etc. During an air-raid alarm all street, traffic, beacon, warning, danger and other public lights on and in the streets, alleys, lanes, squares, parks and bridges of the City of Asheville, except those which are dimmed or hooded in a manner approved by the City Manager, shall be immediately extinguished and kept extinguished until the all-clear signal is given.

In the case of an announced test or trial blackout, warning and danger signals and street traffic lights may remain lighted without being dimmed, hooded or otherwise masked, unless in the discretion of the City Manager such signals and lights are ordered to be completely extinguished.

Section 12. Retaining Facilities for Effective Immediate Blackouts.

(a) Buildings. No occupant of any building or any portion thereof shall permit such building or premises or such portion thereof as he may occupy to be lighted or illuminated (either on the outside, or on the inside in such way that such lighting or illumination is visible from the outside) between the period from the beginning of dark until the full dawn of the following morning unless while so lighted or illuminated there is stationed in such building or such portion thereof, as the case may be, a person or persons capable of and responsible for putting out the lights or making them invisible from the outside in the event an air-raid warning or signal for a blackout is given. This provision shall apply to every occupant of every building whatsoever, including but not limited to dwellings, residences, apartments, apartment houses, hotels, boarding houses, lodging houses, office buildings, warehouses, manufacturing establishments, industrial plants, railroad stations, schools, churches, hospitals, garages, filling stations, and all other buildings and institutions.

(b) Signs, Billboards, Street, Traffic, Beacon, Warning and Danger Lights. No owner, lessee or person or persons in charge of the operation, as the case may be, of any sign, billboard, or other similar structure, or of street, traffic, beacon, warning, or danger lights or other public light or lights on and in the streets, lanes, alleys, squares, parks or bridges of the City of Asheville, shall permit the same to be illuminated or lighted between the period from the beginning of dark until the full dawn of the following morning unless such owner, lessee or person in charge has made adequate arrangements for immediately putting out and extinguishing the same in the event of an air-raid or blackout signal or alarm; provided, however, that traffic signals and warning or danger signals may remain lighted during a blackout if they are dimmed, hooded or masked in a manner approved by the City Manager; and provided further, that the City Manager shall have full authority to require the complete extinguishment of such lights and signals, if, in his judgment, such total extinguishment is necessary to safeguard the public safety.

Section 13. Furnaces, Smokestacks, etc. Every operator of any plant shall, during air-raid alarms, so operate the plant with respect to furnaces and other light-emitting apparatus that light will not be given off, or the apparatus, including smoke-stacks, shall be so screened as to prevent the reflection of light from being visible from above.

Section 14. Vehicular Traffic. In the event of an air-raid warning the drivers of all automobiles, trucks, busses, motorcycles, wagons, carts, and all other vehicles shall immediately pull over to the curb or roadside, turn off the engines or motors and leave such vehicles standing until the all-clear signal is given; provided that emergency vehicles readily identifiable as such, such as fire engines, ambulances, and governmental or public utility operated trucks, or police cars, physicians' automobiles and other vehicles carrying insignia approved by the City Manager, shall not be required to stop when engaged in emergency operations.

In the event such air-raid warning is given during the period between the beginning of darkness and the full dawn of the following morning the drivers of all such automobiles, trucks, busses, motorcycles, wagons, carts, and all other vehicles, shall, in addition to performing the duties hereinabove required, also immediately turn off all lights and keep them turned off until the all-clear signal is given; provided that the emergency vehicles hereinabove defined may use such lights as may be approved by the City Manager.

No driver of any such automobile, truck, bus, motorcycle, wagon, cart, or other vehicle, shall park the same in front of any fire exit, fire plug, fire engine house, hospital entrance or exit, or at any street intersection, and shall not park or stop any such vehicle at any place so as to block the center of any street or in such way as to impede the free flow of traffic engaged in emergency operations.

Section 15. Railroad Trains, Locomotives, and Lights and Signals on Railroad Tracks and Rights of Way. When an air-raid warning is given the operator or operators of all railroad trains, locomotives and shifting engines which are being operated within the corporate limits of the City of Asheville shall immediately bring them to a stop and shall not proceed until the all-clear signal is given. If an air-raid warning is given during the period between the beginning of dark until the full dawn of the following morning such operator or operators shall also immediately put out all lights and keep them out until the all-clear signal is given; provided, that lights may remain burning inside such trains if the light openings are sufficiently covered by paint, shades, screens or other material so as to effectively prevent any light or reflection of light from being visible from the outside.

No stop of any such railroad train, locomotive or shifting engine shall be made so that any part thereof or any of the railroad coaches, cars or equipment will block any street intersection.

Whenever an air-raid warning is given it shall be the duty of all railroad companies operating over or maintaining railroad tracks and other equipment within the corporate limits of the City of Asheville to immediately cause all signal and other lights on or near such tracks, at street intersections, on towers, and otherwise, to be extinguished and to be kept extinguished until the all-clear signal has been given.

Section 16. Pedestrians. Whenever any air-raid warning shall be given, all persons, except duly authorized persons, shall immediately leave all streets, squares, parks and open spaces and shall proceed to the nearest cover, avoiding the crossing of streets, alleys and other public ways as nearly as possible.

It shall be unlawful, during the period of any air raid or blackout to congregate in groups of five or more persons on any public sidewalk, street, alley, park or outdoor place.

During a blackout, it shall be unlawful for any person to strike any match, or to smoke, or to expose any light whatsoever while on a street, alley, square, sidewalk, park, yard or open space, except that authorized persons engaged in emergency work may use lights of such character and with such screens or hoods as may be approved by the City Manager.

Section 17. Gas Appliances, Kerosene Lamps and Candles Extinguished. During air-raid alarms all gas burning appliances in residences, hotels, apartment houses and other living quarters shall be turned off, and no kerosene or coal oil lamps or candles shall be burned.

Section 18. Supply of Sand to Be Kept on Certain Roofs. Every owner, lessee, or person in charge of any building or structure within the City of Asheville which has a flat roof or a roof of a pitch of 22 deg. from the horizontal or less, is hereby required to keep and maintain on said roof a container or containers in which there shall at all times be kept at least one bushel of sand for each 10,000 square feet of exposed roof area.

Section 19. Authority to Promulgate Necessary Orders, Rules and Regulations for Blackouts, Air Raids, and Other Matters Necessary to the Defense, Protection, or Preservation of the Safety and Security of Life and Property. So long as a state of war exists between the United States and any foreign power and so long as the resulting emergency in the City of Asheville continues, and subject only to any conflict with any lawful enactment of the Congress of the United States or of the General Assembly of North Carolina, or any lawful proclamation or order of the President of the United States or of the Governor of North Carolina, or any lawful regulation or order of the Army or Navy Department or of any other duly constituted agency of the Federal or State government, in relation to the prosecution of the war or the national defense, the City Manager of the City of Asheville is hereby authorized, empowered and directed, whenever in the exercise of his sound and reasonable discretion he deems it necessary to the defense, protection, or preservation of the safety and security of the City of Asheville, or of property of the City of Asheville situated outside of the corporate limits thereof, or to the common defense:

(a) To proclaim and publish rules and regulations appropriate to those ends, which shall have the full force and effect of law.

(b) To issue executive orders, oral or in writing, appropriate to the enforcement of these ordinances and of such rules and regulations as he may establish, or to the accomplishment of the general purposes of this ordinance.

(c) To prescribe additional duties for the regular officers and employees of the City government, to employ additional paid personnel of every kind, to appoint volunteer policemen, firemen, air-raid wardens, fire wardens, and other volunteer personnel of every kind, and to prescribe their duties, and to require the services of private citizens in specific emergencies, and to confer upon such persons full police powers, and to call upon any inhabitant or any organization of the City at any time, to aid in the enforcement of such rules, regulations and orders.

(d) To exercise any and all of the powers and authority conferred upon him herein by and through any officer or employee of the City or any person or committee to which he may choose to delegate any such power or authority.

(e) To provide equipment, materials and supplies.

(f) To cooperate with the governments of the United States, of the State of North Carolina, and of the other political subdivisions of the State of North Carolina, with regard to the common safety and defense, and to that end he may send the police, firemen and other officers, employees and agencies of the City beyond the corporate limits.

(g) To cooperate with any and all defense agencies, whether legally constituted or purely voluntary, and with any and all persons and organizations, for the promotion of the safety and security of the City, the State and the Nation.

(h) To do any other matter or thing which he may be called upon to do by any enactment of the Congress of the United States or the General Assembly of North Carolina or by any lawful proclamation or order of the President of the United States or the Governor of North Carolina or of the Army or Navy Department, or any other duly constituted agency of the Federal or State government, in relation to the prosecution of the war or the national defense.

(i) To expend such sums as are appropriated from time to time by the City Council for the accomplishment of the purposes of this ordinance, as in his discretion seems best.

Section 20. Subjects as to Which City Manager May Make Rules and Regulations, etc. The subjects as to which the City Manager is authorized, empowered and directed to issue rules and regulations, to make executive orders, expend funds and do the other matters and things authorized by this ordinance, shall be any subjects reasonably related to the preservation of the public safety, health, morals and general welfare, and the protection of property as affected by the existing state of war, and shall include, but not be limited to, the following:

Measures appropriate to defense against air raids, including the regulation of lights and lighting and the distribution of lighting, electricity, gas, and power of every kind throughout the City, the formulation, execution and enforcement of blackout plans, and the ordering of test or practice blackouts and air-raid drills as well as blackouts and air-raid precautions in time of actual need; measures appropriate to the mobilization of regular, special, and volunteer facilities for fire fighting, for the preservation of order, of lives, of property and of health and sanitation, and to those ends he may cause the demolition of buildings and other structures; measures appropriate to the regulation of traffic, the prevention of sabotage, and the protection of public and private facilities of every kind, the control of firearms and explosives, the provision of ambulance service and of first aid and other medical care, and of relief; measures appropriate to the preparation, execution and enforcement of disaster plans and the organization of all transportation and communication facilities, and of emergency services of every kind; measures appropriate to the preservation of public morals; and measures appropriate to all other subjects designed to further the accomplishment of the purposes of this ordinance, whether or not such subjects be of the same or a similar kind with the subjects herein listed. Whenever he deems it appropriate the City Manager may require drills and practice exercises. Whenever it is necessary in specific emergencies he may cause to be commandeered for the public use automobiles, trucks, and other equipment, materials, food, clothing, medical and other supplies.

The power and authority herein granted to the City Manager to make and establish rules and regulations and to issue executive orders is in addition and supplemental to the matters elsewhere herein specifically treated and covered by ordinance.

Section 21. General Orders, Rules and Regulations to Be in Writing. All general orders, rules and regulations established or issued by the City Manager under the provisions of this ordinance for the conduct of the general public shall be in writing and shall be available for public inspection at the City Hall during the hours in which the City Hall is open for the conduct of City business.

Section 22. Orders, Rules and Regulations Effective Until Repealed by City Manager or City Council. Any order, rule or regulation promulgated pursuant to the authority conferred by this ordinance shall be in force and effect, and shall have the full force and effect of law, from the time of promulgation until amended or repealed by the City Manager or until repealed by the City Council.

Section 23. Unauthorized Air-Raid Warning or All-Clear Signal Prohibited. Any unauthorized person who shall operate a siren or other device so as to simulate a blackout signal or air-raid warning, or the termination of a blackout or air raid, shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties hereafter imposed in this ordinance.

Section 24. No Municipal or Private Liability. This ordinance is an exercise by the City of its governmental functions for the protection and preservation of the public peace, health and safety and the defense of the land in time of war, and neither the City of Asheville, the agents, officers and employees thereof, nor any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with this ordinance or with any rule, order or regulation promulgated pursuant to the provisions of this ordinance, or any authorized person hereunder or called upon to assist in enforcing the same, shall be liable for any damage sustained to person or property as the result of said activity.

Section 25. Lights During Blackout Declared Public Nuisance. Any light displayed or allowed to remain visible to the outside contrary to any ordinance or contrary to any order, rule or regulation promulgated pursuant to the provisions of this ordinance constitutes, and is hereby declared to be, a public nuisance, and when deemed necessary in order to protect life or property during a blackout or air raid the police, or special police authorized as such, or air-raid and blackout personnel when appointed and granted special police powers, are authorized and directed to enter upon any premises within the City of Asheville, using such reasonable force as may be necessary, and extinguish lights or take other necessary action to make effective any provision of this ordinance or any rule, order or regulation promulgated pursuant to the provisions of this ordinance. Any person refusing to permit or resisting the entrance of such authorized policeman or other person to any room or premises for the purpose of extinguishing lights or taking other necessary action, shall be guilty of a violation of this ordinance and shall be punished as hereinafter provided.

Section 26. Conflicting Ordinances, Orders, Rules and Regulations Suspended. At all times when the orders, rules and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede all existing ordinances, rules and regulations (except the provisions of this ordinance) in so far as the existing ordinances, rules and regulations may be inconsistent therewith.

Section 27. No Conflict with State or Federal Statutes, etc. Neither this ordinance nor any orders, rules or regulations made and promulgated pursuant to the provisions hereof shall be construed so as to conflict with any statute of the United States or of the State of North Carolina or with any Military or Naval order, rule or regulation.

Section 28. Practice Blackouts and Air-Raid Drills. Whenever any practice blackout or air-raid drill has been ordered by the City Manager or by the Military or Naval authorities all of the provisions of this ordinance, and all of the orders, rules and regulations made and promulgated pursuant to the provisions hereof, shall apply as effectively as they shall apply to blackouts and air-raid alarms caused by the presence or anticipated presence of the enemy.

Section 29. Special Police, Firemen, Air-Raid Wardens, etc., to Wear Identifying Emblem when on Duty. When on duty all special firemen, air-raid wardens, and other special emergency personnel appointed by virtue of the provisions hereof, or by virtue of the provisions of any existing ordinance, shall wear such identifying emblem as may be prescribed by the City Manager. It shall be unlawful for any said special policeman, special fireman, or other person specially appointed to aid in the emergency, to attempt to carry out any of the provisions of this ordinance, or of any order, rule or regulation made and promulgated pursuant to the provisions hereof, when he or she is not wearing said identifying emblem.

Section 30. Penalties for Violation. Any person, firm, or corporation violating any of the provisions of this ordinance, or violating the provisions of any order, rule or regulation made and promulgated pursuant to the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding One Hundred ($100.00) Dollars or imprisonment for not more than three (3) months, or by both said fine and said imprisonment.

Section 31. Penalties for Rioting or Looting During or After Blackout or Air Raid. Any person who shall be convicted of rioting or participating in a riot or of looting or larceny during or immediately after a blackout, or during or immediately after an air raid, or during or immediately after any other disaster or emergency, shall be fined not exceeding One Thousand ($1,000) Dollars, or imprisoned in the common jail not exceeding (12) months, or both.

Section 32. Separability of Provisions. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions hereof, and it is further the intention of the City Council that if any provision of this ordinance be declared to be invalid, all other provisions hereof shall remain valid and enforceable.

Section 33. Finding of Emergency. This ordinance is passed as an emergency measure, and the City Council does by the vote by which this ordinance is passed hereby declare that a national emergency exists, which makes it imperative that this ordinance shall become effective forthwith, the nature of said emergency being as follows: A state of war exists between the United States of America and Germany, Japan, Italy, and their allies, and the President of the United States has declared that an invasion or predatory incursion is threatened, that enemy attacks have already sunk and damaged merchant vessels within sixty miles of the Atlantic shore and within sight of the Pacific shore, and it is necessary in the furtherance of the public health, safety and welfare of the residents of this City, and for the protection of property therein, and in order to aid and cooperate with those in charge of the Military and Naval forces of the United States, that this ordinance be effective immediately.

Section 34. Effective Date. This ordinance shall be in full force and effect from and after its passage.

Pursuant to the authority granted to the City Manager in Section 20 hereof, this ordinance shall be known as the War Emergency Ordinance.

I move the adoption of the foregoing ordinance, this 11th day of June, 1942.

H. G. Etheridge
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 11th day of June, 1942.

J. E. Divelbiss, Jr.
VICE-MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mr. Harry Parker appeared before the Council in regard to the proposed change of bus route on Kimberly Avenue.

There being no further business, the meeting was, upon motion, adjourned.

Glenn Morris
~~Acting~~ City Clerk

Vice-Mayor

J. E. Divelbiss, Jr.

Thursday, June 18, 1942--4:30 P. M.

Because of a lack of a quorum no meeting of the City Council was held on June 18.

Glenn Morris
City Clerk

Vice-Mayor

J. E. Divelbiss, Jr.

Thursday, June 25, 1942--4:30 P. M.

The City Council met in regular session Thursday, June 25, 1942 at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr., presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Divelbiss.

Minutes of the previous meeting were read and approved.

Claim of Louise Warren for alleged personal injuries sustained on a public street of the City was presented and referred to the City Manager and Corporation Counsel as follows:

NORTH CAROLINA
BUNCOMBE COUNTY

N O T I C E

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE, STATE OF NORTH CAROLINA:

YOU WILL PLEASE TAKE NOTICE that LOUISE WARREN, of Buncombe County, North Carolina, by and through her attorneys pursuant to the laws of North Carolina and of the charter of the City of Asheville, hereby claims and demands damages of the City of Asheville as a result of personal injuries sustained by her on the 3rd day of April, 1942, on a public street in said City as follows:

That while walking on the East side of Coxe Avenue, claimant's heel caught in a hole in the sidewalk, which was negligently constructed and maintained, or which the City of Asheville negligently permitted to be constructed and mainteined thereby throwing the claimant with great force to the sidewalk, inflicting serious and permanent injuries, including broken bones, sprained and twisted legs, and other serious and painful injuries.

That the maintenance of the condition which caused the accident resulted from the negligence of the City of Asheville in failing the same. Because of said negligence, said City has greatly damaged claimant, caused her to incur expenses for medical attention, great inconvenience, pain and suffering, in the sum of $5,000.00

Claimant, therefore, by and through her attorneys, respectfully presents this claim for said amount, and respectfully requests payment of same.

This 25th day of June, 1942.

John B. Anderson

Johnsom & Uzzell
Attorneys for Claimant, Louise Warren

Claim of Lillie Mae Callahan was presented by her Attorney Sanford Brown, and was referred to the City Manager and Corporation Counsel as follows:

STATE OF NORTH CAROLINA (
COUNTY OF BUNCOMBE)

BEFORE THE COUNCIL AND CITY MANAGER OF THE CITY OF ASHEVILLE

LILLIE MAE CALLAHAN (
Plaintiff)
(
vs.)
(
CITY OF ASHEVILLE,)
Defendant. (

CLAIM OF LILLIE MAE CALLAHAN

Lillie Mae Callahan, deposes and makes claim against the City of Asheville, as follows:

1.

That the claimant is a citizen and resident of the City of Asheville, County of Buncombe, State of North Carolina, her address being 23 Hildebrand Street, Asheville, N. C.

2.

That the claimant was injured and damaged from a fall sustained by her at or near the southwestern corner of the intersection of College and Haywood Streets in the City of Asheville, County of Buncombe, State of North Carolina, on the 25th day of May, 1942, at about 11:00 o'clock A. M.

3.

That said fall resulted from the negligence of the City of Asheville in digging out a hole or depression on said side of said intersection and leaving same open and unguarded in any way for considerable period of time during the most of which no work was being done and no workmen present at said place.

4.

That as a result of said negligence on the part of the City of Asheville at said time and place the claimant was injured, in that, the fall sustained by her cut, bruised and sprained her right knee and back, and that she was injured internally therefrom, and that said injuried

have and are causing claimant to be under the care of a physician for treatment of same from the date said injuries were sustained by said claimant to the present and that same have and are causing her to lose much time from her work and have caused her to undergo great suffering and that same have and are causing her to undergo great suffering and that same have and are causing her to undergo great expense in the form of doctor's bill, medicine bills, and for other care, all to her great damage in the sum of $500.00.

WHEREFORE, the plaintiff hereby gives notice of and makes claim against the City of Asheville for the sum of $500.00 on the aforestated grounds.

Lillie Mae Callahan
CLAIMANT

The foregoing claim sworn to and subscribed by Lillie Mae Callahan before me, the undersigned Notary Public, in and for the County of Buncombe, State of North Carolina, on this the 4th day of May, 1942.

S. D. Hall
Notary Public

My Commission Expires:

Dec. 28, 1942

Claim presented by:

Sanford W. Brown
Sanford W. Brown, Esq.
Attorney for claimant.

There being no further business, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Vice-Mayor

Thursday, July 2, 1942--4:30 P. M.

The City Council met in regular session Thursday, July 2, 1942, at 4:30 P. M., with Vice-Mayor Divelbiss presiding. Present: Councilmen Holmes Bryson, Cary E. Hughes, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr. and Vice-Mayor J. E. Divelbiss, Jr.

Minutes of the previous meeting were read and approved.

Resolution authorizing the City Manager to use as a temporary budget for the month of July, 1942, the sum of $60,000.00, was upon motion of Councilman Brown, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO USE AS A TEMPORARY BUDGET FOR THE MONTH OF JULY, 1942, THE SUM OF $60,000.00

WHEREAS, the new budget for the City of Asheville for the fiscal year 1942-43 has not been absolutely completed; and

WHEREAS, it is necessary for the City of Asheville to have funds with which to operate for the month of July, 1942;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized and directed to use for the operating expenses of the City of Asheville the sum of $60,000.00 for the month of July, 1942, subject to the approval of the Local Government Commission at Raleigh, North Carolina, a copy of this resolution to be sent to the above mentioned Commission.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: O. E. STARNES
COUNCILMAN

Read, approved and adopted, this 2nd day of July, 1942.

J. E. Divelbiss, Jr.,
VICE-MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.,
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

City Clerk

Vice-Mayor

Thursday, July 9, 1942--4:30 P. M.

The City Council met in regular session Thursday, July 9, 1942, at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr., presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Divelbiss.

Minutes of the previous meeting were read and approved.

Mr. P. M. Burdette, City Manager, presented resolution authorizing the White Transportation Company to curtail the operation of buses on Patton Avenue from Clingman Avenue westwardly to Park Avenue until further notice. It was moved by Councilman Bryson, seconded by Councilman Brown, and unanimously passed by the Council as follows:

RESOLUTION AUTHORIZING THE WHITE TRANSPORTATION COMPANY TO CURTAIL THE OPERATION OF BUSES ON PATTON AVENUE FROM CLINGMAN AVENUE WESTWARDLY TO PARK AVENUE UNTIL FURTHER NOTICE

R E S O L U T I O N

Pursuant to the policy of the governing authorities of the City of Asheville of revising, altering and re-routing motor vehicle traffic in the City of Asheville, and particularly with reference to bus transportation service of White Transportation Company, to the end that the public will be conveniently and efficiently served, traffic more safely and securely dispatched, and transportation facilities more adequately conserved, the Mayor indicated to the Council that White Transportation Company had filed a petition asking permission, for the reasons therein set forth, to curtail the operation of the regular bus schedule along that portion of Patton Avenue from Clingman Avenue westwardly to Park Avenue, whereby the operation of the regular bus schedule along that portion of Patton Avenue from Clingman Avenue westwardly to Park Avenue would be limited to fifteen minute schedule during the hours of 6:07 A. M. to 8:52 A. M. and 5:37 P. M. to 7:37 P. M. only; and with the further provision that buses leaving Pritchard Park at 9:00, 9:30, 10:00, 10:30 and 11:00 P.M., on their regular outbound trip to West Asheville, shall operate over Patton Avenue to Jefferson Drive; thence Southwardly along Jefferson Drive to the East end of the West Asheville bridge; thence Westwardly along the present route to West Asheville; and provided further that at the expiration of thirty days operation of said schedule over Jefferson Drive, as above set forth, the Company may then discontinue such service upon submitting proof to the City Manager that said schedule is impractical or undesirable.

The said proposal was discussed, and thereupon Councilman Bryson introduced the following written resolution, and moved its adoption:

BE IT RESOLVED, by the City Council of the City of Asheville, North Carolina:

That in order to conserve transportation facilities in the City of Asheville and maintain reasonably adequate transportation service to the public, the said White Transportation Company is hereby permitted and authorized to curtail the operation of a regular bus schedule along Patton Avenue from the intersection of Clingman Avenue westwardly to Park Avenue by limiting the operation of buses over said route to the hours of 6:07 A. M. to 8:52 A. M. and 5:37 P. M. to 7:37 P. M., during which hours only, buses will be run on fifteen-minute schedule; and with the further provision that buses leaving Pritchard Park at 9:00, 9:30, 10:00, 10:30 and 11:00 P. M., on their regular outbound trip to West Asheville, shall operate over Patton Avenue to Jefferson Drive; thence Southwardly along Jefferson Drive to the East end of the West Asheville bridge; thence Westwardly along the present route to West Asheville; and provided further that at the expiration of thirty days operation of said schedule over Jefferson Drive as above set forth, the Company may then discontinue such service upon submitting proof to the City Manager that said schedule is impractical or undesirable.

Until further ordered by the City Council of the City of Asheville, the said White Transportation Company shall be relieved of the duty and responsibility of operating and maintaining during any other hours of the day or night, except as above set forth, bus service along said referred to portion of Patton Avenue.

This motion to adopt said resolution was seconded by Councilman Brown, and, after discussion, a vote was taken and the resolution was duly adopted, there being four votes in favor of said resolution and no votes against it.

J. E. Divelbiss, Jr.
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mr. Ed Wright, Attorney, presented a complaint to the City Council regarding sewer conditions on the western end of Farrwood Avenue and asked that correction be made as to drainage and sewer conditions. This complaint was signed by 11 property owners in this section. The complaint was referred to the City Manager.

There being no further business, the meeting was upon motion, adjourned.

Vice-Mayor

City Clerk

Thursday, July 20, 1942--4:30 P. M.

The City Council met in regular session Thursday, July 20, 1942, at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr., presiding. Present: Councilmen Holmes Bryson, H. G. Etheridge, O. E. Starnes, C. Fred Brown, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Divelbiss.

Minutes of the previous meeting were read and approved.

Resolution authorizing the City Manager to advertise according to law certain property belonging to the City of Asheville to be sold at public auction, was upon motion of Councilman Holmes Bryson, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE ACCORDING TO LAW CERTAIN PROPERTY BELONGING TO THE CITY OF ASHEVILLE TO BE SOLD AT PUBLIC AUCTION

WHEREAS, the City Council of the City of Asheville deems it advisable to sell at public auction its interest in certain property hereinafter described; and

WHEREAS, it is the opinion of the City Council that said property should be sold for the best interests of the city and the public generally, and that same should be sold at the Court House door at public auction;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized to advertise according to law the city's 6/11 interest in the following property:

53 acres in Upper Hominy on Long Mountain, deeded to the Board of Financial Control by Kingston, Inc., deed recorded in book 452 on page 157.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMEN

Read, approved and adopted, this 16 day of July, 1942.

J. E. Divelbiss, Jr
VICE-MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing Vice-Mayor to execute quit-claim deed to Don Josephson was upon motion of Councilman Brown, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING VICE-MAYOR TO EXECUTE QUIT-CLAIM DEED TO DON JOSEPHSON

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAP BOOK
2114	M. M. Ramsey	94½	20	5	Don Josephson

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Vice-Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the holder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 16 day of July, 1942.

J. E. Divelbiss, Jr.
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Vice-Mayor

City Clerk

Thursday, July 23, 1942--4:30 P. M.

The City Council met in regular session Thursday, July 23, 1942 at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr. presiding. Present: Councilmen C. Fred Brown, H. G. Etheridge, O. E. Starnes, Gary E. Hughes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Divelbiss.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

Vice-Mayor

City Clerk

Thursday July 30, 1942--4:30 P. M.

The City Council met in regular session Thursday, July 30, 1942 at 4:30 P. M., with Mayor Lyons Lee Presiding. Because of a lack of a quorum, the meeting adjourned.

Mayor

City Clerk

Thursday, August 6, 1942--4:30 P. M.

The City Council met in regular session Thursday, August 6, 1942, with Mayor Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, H. G. Etheridge, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Resolution authorizing the adoption of the budget of the City of Asheville for the fiscal year beginning July 1, 1942 and ending June 30, 1943, was upon motion of Councilman J. E. Divelbiss, Jr., seconded by Councilman C. Fred Brown, unanimously passed as follows:

RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1942 AND ENDING JUNE 30, 1943

WHEREAS, the City Manager of the City of Asheville presented to the City Council this the 6th day of August, 1942 the operating and debt service budget for the City of Asheville for the fiscal year beginning July 1, 1942 and ending June 30, 1943, and the budget as presented shows the amount to be expended for the operation of the various departments of the City of Asheville and the amount to be expended for debt service as follows:

(a) General Government	$126,860.00
(b) Law	16,008.00
(c) Finance	17,400.00
(d) Public Welfare	35,077.00
(e) Public Safety	242,332.00
(f) Libraries	22,100.00
(h) Public Works	160,057.70
(i) Parks and Playgrounds	49,573.60
(l) Water Department	224,000.00
Total operating	894,408.30
Debt Service	
Principal and Interest	
General Refunding Bonds- Series 1	370,687.00
General Refunding Bonds- Series 2	11,720.00
Judgment Funding Notes	12,500.00
Water Refunding Bonds	200,000.00
Total	594,907.00
Total Appropriations	1,489,315.30

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the budget as presented to the City Council by the City Manager on the 6th day of August, 1942 covering the City of Asheville operating and debt service appropriations, as outlined above, the total being $1,489,315.30 be approved and the same is hereby adopted as the budget of the City of Asheville for the fiscal year 1942-1943. Except: If and in the event more net revenue shall be realized in the Water Department than has been allocated for debt service, as set out in this budget, then such additional net revenue is hereby allocated to the debt service, not however to exceed twenty-five thousand dollars.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted this 6th day of Aug. 1942.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mayor Lee read a letter from Mr. Walter R. McGuire, tendering his resignation as Asst. Solicitor of the Police Court, stating that he was entering military service. His resignation was accepted with regret and best wishes upon motion of Councilman Starnes, seconded by Councilman Etheridge.

Mayor Lee announced the appointment of Mr. A. T. Rust to serve as Commissioner on the Housing Authority. This appointment is to succeed himself as his term expired June 11, 1942.

Mayor Lee presented the second annual report of the Housing Authority prepared by Mr. Verne Rhodes, Chairman.

Mayor Lee expressed his appreciation for the kindnesses shown him by the City Council during his illness, He thanked Vice-Mayor Divelbiss for serving in his place during this time.

There being no further business, the meeting was [illegible].

L. Lyons Lee
Mayor

Glenn Morris
City Clerk.

August 13, 1942--4:30 P. M.

The City Council met in regular session Thursday, August 13, 1942, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, H. G. Etheridge, O. E. Starnes, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

August 20, 1942--4:30 P. M.

August 20, 1942. Because of a lack of a quorum, no meeting of the City Council was held on Thursday,

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, August 27, 1942--4:30 P. M.

The City Council met in regular session, Thursday, August 27, 1942, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, H. G. Etheridge, O. E. Starnes, [illegible], Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

[illegible] ordinance authorizing the City Manager to advertise according to law certain property belonging to the City of Asheville to be sold at public auction, was upon motion of Councilman [illegible], seconded by Councilman Starnes, unanimously passed as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ADVERTISE ACCORDING TO LAW CERTAIN PROPERTY BELONGING TO THE CITY OF ASHEVILLE TO BE SOLD AT PUBLIC AUCTION

WHEREAS, the City Council of the City of Asheville deems it advisable to sell at public auction its interest in certain property hereinafter described; and

WHEREAS, it is the opinion of the City Council that said property should be sold on the best interests of the city and the public generally, and that same should be sold at the Court House door at public auction;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized to advertise according to law the following property:

Being the same property described in a deed recorded in the Office of the Register of Deeds for Buncombe County in book 456 at page 107.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 27 day of August, 1942.

L. Lyons Lee
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Complaint was made by Mr. R. L. Mears of Mears Avenue, W. Asheville, regarding the impassable condition of Mears Ave. This complaint was referred to the City Manager.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

September 3, 1942--4:30 P. M.

The City Council met in regular session Thursday, September 3, 1942, at 4:30 P.M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, H. G. Etheridge, O. E. Starnes, Vice-Mayor J. C. Pivelbiss, Jr., P. M. Burdette, City Manager, Philip C. Cocke, Jr., Corporation Counsel, and Mayor Lee.

Minutes of the previous meeting were read and approved.

Mr. J. Carroll Styles, Attorney, presented claim for alleged personal injuries to Barbara Dean Rogers, a child 10 years of age, which injury occurred at the Recreation Park on August 8, 1942. This claim was referred to the City Manager, and Corporation Counsel.

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Gentlemen:

On August 8, this year Barbara Dean Rogers, a child of about ten years of age while swinging in one of the swings provided by your Honorable Board at the Recreation Park on Swannanoa River, was very seriously hurt, by the swing becoming intertwined with one of the supports, had her right arm broken and received other bad injuries.

I am herewith filing with your honorable body a claim for damages, to be determined when she is recovered from the injuries.

I understand that some negotiations have been had looking to an adjustment of the claim and this letter is in no way to interfere with such negotiations, but is in compliance with the requirements of the City Charter relative to such matters.

This early notice is given in order that you may have an opportunity to interview witnesses who may after the closing of the park, be hard to find.

Kindly place this notice in it's proper channel, so that it may come up in due course.

Very respectfully submitted,

/s/ J. Carroll Styles

Notice of claim for personal injuries of Furman Carver, by his next friend, Mary Carver, was filed by Attorney C. J. Pegram. This claim was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

FURMAN CARVER, By His Next Friend, MARY CARVER,
Plaintiff

vs.

CITY OF ASHEVILLE, A Municipal CORPORATION,
Defendant

NOTICE OF CLAIM FOR PERSONAL INJURIES

TO THE HON. MAYOR, CITY MANAGER, AND MEMBERS OF THE CITY COUNCIL:

1.

That the plaintiff, Furman Carver, is a minor, aged 6; and that Notice and Claim for personal injuries is filed for and in behalf of Furman Carver by his mother, Mary Carver, and C. J. Pegram, attorney.

2.

That on the morning of August 19th, 1942 at 10:30 o'clock, Furman Carver, the minor plaintiff herein, was severly and permanently injured when he was cut by a mowing scythe, which had been negligently left hidden by the employees of the City of Asheville in the middle of Hazel Mill Road at a point just opposite No. 58 Hazel Mill Road where the child and his parents live.

3.

That the minor plaintiff was crossing the street at the time that he was injured, and the mowing scythe was left lying in some weeds in the middle of the street by the employees of the City of Asheville as aforesaid; that this minor plaintiff stepped upon said mowing scythe with his left foot, and the scythe cut a gash across the bottom of the plaintiff's foot to the bone, severing the muscles and tendons in the foot so that at the time of filing this Notice and Claim, the plaintiff is unable to use his foot and is still being attended by a physician. This minor plaintiff was taken to the Mission Hospital where he received First Aid medical attention, and has been to the Mission Hospital once since said time, and has been treated by a doctor on several occasions for injuries he received.

4.

That the plaintiff has suffered greatly, and that he received a severe shock and was confined to his bed for treatment; and that this plaintiff is informed that he will suffer for a long period of time on account of the injuries received; and that the plaintiff's injuries thus inflicted were directly caused by the negligence of the City of Asheville, the defendant.

5.

That the place where the plaintiff was injured was a public thoroughfare and a public street, and was kept up and maintained by the City of Asheville; that it was the duty of the said defendant to keep said thoroughfare in a safe condition; and that the said defendant city was negligent in that the said City permitted and allowed said street to become dangerous; and that it knew, or by the exercise of due care could have known, that, in permitting such condition to exist, persons or their property might be damaged and injured; and that, by reason of the gross negligence as aforesaid on the part of the defendant, this plaintiff has been damaged in the sum of One Thousand Dollars ($1,000.00).

Wherefore, this plaintiff makes demand, and files Notice and Claim against the City of Asheville in the sum of One Thousand Dollars ($1,000.00) for damages.

C. J. Pegram
Attorney for Plaintiff

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, Sept. 10, 1942 --4:30 P. M.

The City Council met in regular session Thursday, Sept. 10, 1942, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, O. E. Starnes, Vice-Mayor J. D. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, Sept. 17, 1942--4:30 P. M.

The City Council met in regular session Thursday, Sept. 17, 1942, at 4:30 P. M., but adjourned for lack of a quorum.

Vice Mayor J. D. Divelbiss Jr

Glenn Morris
City Clerk

The City Council met in regular session Thursday, [illegible], with Vice-Mayor J. D. Divelbiss, Jr., presiding. Present: Councilmen [illegible], Holmes Bryson, City Manager P. M. Burdette, and Corporation Counsel [illegible].

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

Vice-Mayor J. D. Divelbiss Jr

Glenn Morris
City Clerk

Thursday, October 8, 1942--4:30 P. M.

The City Council met in regular session Thursday, October 8, 1942, at 4:30 P. M., with Vice-Mayor J. D. Divelbiss, Jr., presiding. Present: Councilmen [illegible], Holmes Bryson, City Manager P. M. Burdette, and Corporation Counsel [illegible].

Minutes of the previous meeting were read and approved.

[illegible]

Resolution authorizing Vice-Mayor to execute quit-claim deed to Cecil Hoskins for Lot 70, Sheet 8, Ward 2, was upon motion of Councilman [illegible], seconded by Councilman Holmes Bryson, unanimously passed as follows:

RESOLUTION AUTHORIZING VICE-MAYOR TO EXECUTE QUIT-CLAIM DEED TO CECIL HOSKINS FOR LOT 70, SHEET 8, WARD 2.

WHEREAS, J. M. Morris was the original owner of Lot 70, Sheet 8, and 2; and

WHEREAS, it appears from the record that the taxes for the years [illegible] are due on said lot, and the above mentioned J. M. Morris has failed to make appearance or to make payment to the Tax Collectors of the City and County on said lot; and

WHEREAS, on September 15, 1942 the Corporation Counsel of the City notified J. M. Morris upon instructions from the City Council that Lot 70, Sheet 8, Ward 2 would be deeded to one Cecil Hoskins upon payment of $108.11 with interest and all accrued taxes, if and in the event said Morris did not make payment on or before the 1st day of October, 1942; and

WHEREAS, said J. M. Morris has failed, neglected or refused to make payment or to pay said taxes as requested by said letter of September 15; and

WHEREAS, Cecil Hoskins has offered to the Tax Collector the sum of $108.11 back taxes on said Lot 70, Sheet 8, Ward 2; and

WHEREAS, the City Council is desirous of having all such property on which it has a tax deed to be placed back on the tax books of the City so that the government units can collect the taxes for operating and the taxpayers may be relieved other taxpayers insofar as possible;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL [illegible]:

That the Vice-Mayor of the City of Asheville is authorized and empowered to execute quit-claim deed to the property listed above, upon payment of said amount of $108.11.

I move the adoption of the foregoing resolution.

[illegible]

SECONDED BY: [illegible]

Duly passed and adopted, this 1st day of October, 1942.

J. D. Divelbiss, Jr.,
Vice-Mayor

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

[illegible]
City Clerk

[illegible] quit-claim deed to Miller Corporation was upon [illegible], unanimously passed as follows:

[illegible] QUIT-CLAIM DEED TO [illegible]

[illegible], the City acquired through tax foreclosure proceedings certificates for [illegible] for the year 1932; and

[illegible], the General Assembly of North Carolina at its 1935 session enacted a tax [illegible] commercial unit which has obtained title to any real estate the power [illegible] to convey to the original owner said property upon the payment of the taxes, [illegible] and 6% per cent, dollar advertising same; and

[illegible], the following property was sold at private sale:

DESCRIBED	LISTED OVER	LOT	BLOCK	WARD	MAKE DEED TO
1931	J. L. Permit and T. Miller	60, 60½ 60½	10	5	Miller Corporation

[illegible], THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and [illegible] to execute quit-claim deed to the property listed above, as above set out, which [illegible] over to the tax collector of the City of Asheville who will deliver the same to the [illegible] upon pay ent of the taxes above referred to, and prior year taxes, together with [illegible] costs as above referred to, and the listing of the property for taxes for the years in which title was vested in the City of Asheville.

I [illegible] the foregoing resolution.

O. F. Starnes
COUNCILMAN

[illegible] BY: C. Fred Brown
COUNCILMAN

[illegible], approved and adopted, this 1 day of October, 1942.

J. E. Divelbiss, Jr.
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
[illegible]

[illegible] Resolution authorizing the Issuance of Tax Anticipation Notes of the City of Asheville in the sum not Exceeding $215,000.00 was upon motion of Councilman Brown, seconded by Councilman [illegible], unanimously passed as follows:

RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE CITY OF ASHEVILLE IN THE SUM NOT EXCEEDING $215,000.00

WHEREAS, by section 2472 of the Consolidated Statutes of the State of North Carolina the City of Asheville is authorized and empowered to borrow money for the purpose of meeting appropriations made for the current fiscal year in anticipation of the collection of the taxes and revenue of such fiscal year, and within the amount of such appropriation; and

WHEREAS, it is now necessary that the City of Asheville shall borrow Two Hundred and Fifteen Thousand Dollars to meet appropriations made for the current fiscal year; and

WHEREAS, funds are now available for loans to the City of Asheville in the revolving fund under supervision of the Sinking Fund Commission for Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

1. Subject to approval by the Local Government Commission of North Carolina and in accordance with the provisions of the Municipal Finance Act and the Local Government Act and other statutes applicable in the premises, the City of Asheville forthwith issue negotiable Tax Anticipation notes in the total sum of Two Hundred Fifteen Thousand Dollars as follows: Four notes in the sum of Fifty Thousand Dollars each and one note in the sum of Fifteen Thousand Dollars; that such notes shall mature not later than October 10, 1943; and shall bear interest payable at maturity at a rate not in excess of three per cent.

2. That the Mayor and City Clerk be jointly authorized to fix the rate of interest within the limitations herein prescribed; and to fix the form of the said notes; and to sign the said notes and affix thereto the corporate seal of the City of Asheville; and to dispose of the said notes in accordance with law.

3. That the said notes shall be approved by the Corporation Counsel of the City of Asheville and his written approval indorsed thereon before issue.

BE IT [illegible] RESOLVED that the full faith and credit of the City of Asheville be and they are hereby pledged for the punctual payment of the principal of and interest on this

note in accordance with its terms.

I [illegible] the foregoing [illegible].

[illegible]

[illegible]

[illegible]

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
[illegible]

[illegible], the meeting [illegible].

Glenn Morris

Vice-Mayor J. E. Divelbiss Jr.

[illegible], 1 [illegible].

The [illegible] met in regular [illegible], [illegible] of Mayor [illegible].

Glenn Morris

Vice-Mayor J. E. Divelbiss Jr.

[illegible] Mayor [illegible], Jr., presiding. [illegible], [illegible], [illegible], and Vice-Mayor [illegible].

[illegible] the following [illegible].

[illegible] motion of Councilman [illegible], [illegible] Clerk.

[illegible], [illegible].

[illegible] was adopted.

[illegible] motion of [illegible],

RESOLUTION

WHEREAS, the City of Asheville has certain of [illegible]

WHEREAS, the Council of the City of Asheville deems it advisable to call [illegible]

WHEREAS, it appears that [illegible]

WHEREAS, it appears that [illegible]

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That the Council of the City of Asheville hereby calls an election to be held [illegible]

That the Mayor is hereby authorized and directed to issue a proclamation [illegible]

That the City Clerk is hereby authorized and directed to publish [illegible]

That this resolution shall be in full force and effect from and after its passage.

O. E. Starnes
COUNCILMAN

J. Ford Brown
COUNCILMAN

Adopted and approved this 14th day of October, 1942.

J. E. Divelbiss, Jr.
MAYOR

Glenn Morris
CITY CLERK

RESOLUTION

BE IT RESOLVED by the City Council of the City of Asheville [illegible]

WHEREAS, a petition signed by more than fifty (50) [illegible] and

WHEREAS, the City Council of the City of Asheville [illegible]

WHEREAS, it appears that [illegible]

WHEREAS, it appears that [illegible]

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That the Council of the City of Asheville hereby calls an election to be held [illegible]

That the City Clerk is hereby authorized and directed to publish [illegible]

That this resolution shall be in full force and effect from and after its passage.

O. E. Starnes
COUNCILMAN

J. Ford Brown
COUNCILMAN

Adopted and approved this 14th day of October, 1942.

J. E. Divelbiss, Jr.
MAYOR

Glenn Morris
CITY CLERK

Phillip [illegible], Jr.
CITY ATTORNEY

Asheville, [illegible] Mayor

[illegible]

and other [illegible] and [illegible]
seem to [illegible]

[illegible]

execute [illegible]
truck [illegible]

[illegible]

[illegible]
of Asheville, [illegible]
for that purpose to [illegible]
renewal to [illegible] "Elect" or "Protest"
[illegible]
of the City of Asheville who shall [illegible]
[illegible]
[illegible]
the contract for the above work shall [illegible]
public liability insurance to save the [illegible]
herein for [illegible] to pursue [illegible]

That no change in the [illegible]
the City's [illegible]
outlined [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Phillip [illegible], Jr.
CITY ATTORNEY

[illegible] for the [illegible]

[illegible]

J E Divelbiss Jr

Glenn Morris

[illegible], October 22, 1942--4:30 P.M.

[illegible] Thursday, October 22, 1942 at 4:30 P.M., [illegible] Mayor Loy Lyerly, Councilmen Glenn Bryson, C. Fred Brown, [illegible], City Manager P. A. Hardaway, Corporation Counsel [illegible], Jr., City Engineer.

[illegible] were read and approved.

[illegible] City Council petition regarding [illegible] City Manager.

[illegible] letter of application from Councilman [illegible]:

[illegible]

[illegible]

[illegible]

[illegible] work with Craftsmen Guides has been changed [illegible] to be away from Asheville a great part of the time, [illegible] the Council meetings regularly, or to serve [illegible]; therefore, I feel that I should resign, [illegible] effective October 1st, 1942.

[illegible] expressed a reluctance during your administration [illegible] your home city. Thanks in the handling of the City [illegible].

Respectfully yours,

Loy F. Hughes

[illegible], Councilman Gilmer Talbridge, the motion [illegible] Mayor Lyerly expressed his appreciation of the service rendered [illegible], and felt the City Council would be missed by the City Council.

[illegible] Brown, seconded by Councilman Bryson, the vote of Mr. [illegible] unanimously accepted by Councilman Brown regarding the resignation [illegible] City, and would remain as a Councilman. Upon vote, C. Fred Brown, City Engineer, or he was invited to take a seat with the Council, after [illegible] Councilmen.

[illegible], the meeting was adjourned.

L. Lyerly Mayor

Glenn Norris
City Clerk

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Ordinance No. 887, entitled, "[illegible]"
following vote:

[illegible]

[illegible]

[illegible]

L. Lyerly Mayor

Glenn Norris

[illegible], [illegible], 1940--1:30 P. M.

[illegible] Council [illegible] January, October 7, 1940, at 1:30 P. M. with [illegible] Mayor Lyons, [illegible] Councilmen [illegible], Present.

[illegible] "Aye", Council [illegible] voted "aye", Councilman [illegible] voted "aye" [illegible] voted "aye", and Mayor Lyons voted "aye".

[illegible], Mayor Lyons, stated to the Council that beer licenses of five operators [illegible] renewed, but the hearing scheduled for 4 o'clock was unnecessary. [illegible], Jr., responded to the Council that all operators had been [illegible].

[illegible] also appeared regarding petition [illegible] Washington Ave. be closed.

[illegible] Mayor Lyons [illegible].

L. Lyons Jr.

Glenn Morris
[illegible]

[illegible], October 10, 1940--1:30 P. M.

[illegible] October 10, 1940, at 1:30 P. M. with [illegible] Present.

[illegible] "Aye", Council [illegible] voted "aye", Councilman [illegible] voted "aye"

ORDINANCE NO. 527

AN ORDINANCE [illegible]

[illegible] on the 1st day of July, 1940 [illegible]

[illegible]

[illegible]	$110,000.00
[illegible]	16,208.00
[illegible]	17,100.00
[illegible]	30,674.00
[illegible]	210,208.00
[illegible]	22,100.00
[illegible]	100,017.70
[illegible]	49,273.60
	554,020.00
[illegible]	406,400.70

Section [illegible]

Glenn Morris
City Clerk

Glenn Morris
City Clerk

Glenn Morris

L. Lyon Lee

Glenn Morris

Mayor L. Lyon Lee presiding.

22

L. Lyon Lee

Glenn Morris
City Clerk

L. Lyon Lee

Glenn Morris
City Clerk

L. Lyon Lee

Glenn Morris

Councilman

Councilman

L. L. [illegible] Lee
MAYOR

Glenn Morris
City Clerk

adjourned.

L. Lyon Lee

Glenn Morris
City Clerk

adjourned.

L. Lyon Lee

Glenn Morris
City Clerk

adjourned.

L. Lyon Lee

Glenn Morris
City Clerk

adjourned.

L. Lyon Lee

Glenn Morris
City Clerk

L. Lyons Lee

Glenn Morris

Thursday, February 11, 1943--4:30 P. M.

The City Council met in regular session Thursday, February 11, 1943, at 4:30 P.M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr., Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

[illegible]

Mayor Lee read the following letter of resignation from Councilman H. G. Etheridge.

Mayor L. Lyons Lee,
City Hall,
Asheville, N. C.

Dear Mayor Lee:

After considerable deliberation I have decided upon the specific direction and advice of my physician to ask that you and the Council accept my resignation as a member thereof.

I have realized many months ago that I was not able to meet the demands of the office and that I should resign but the doctors held out some hope of full recovery from my illness, however, after more than a year that hope is very remote.

I wish you, Mr. Mayor and each member of the Council to know that my association with you in council has been one of the high lights of my life and I wish to assure you that it certainly has been a pleasure to work with you and I regret very much to have to sever that association.

I wish to mention that it has been a genuine pleasure to work with our City Manager, Corporation Counsel and City Clerk, and I regard their efficiency and loyalty of the highest type.

If I have made any small contribution to helpfulness in the affairs of the City, I am abundantly rewarded.

Cordially,

/signed/ H. G. Etheridge

Mayor Lee paid high tribute to Councilman Etheridge, and said it was with deep regret that he brought this letter to the City Council. Motion was made by Councilman Smith, seconded by Councilman Brown, that his resignation be accepted with deep regret.

R. EARL W. ELLER ELECTED

Mayor Lee announced that he would receive nominations to fill the vacancy caused by the resignation of Councilman Etheridge, and upon motion of Vice-Mayor Divelbiss, Mr. Earl W. Eller was nominated. This nomination was seconded by Councilman Brown, and Mr. Eller was unanimously elected to fill the unexpired term of Councilman Etheridge.

Vice-Mayor Divelbiss was asked to escort Councilman Eller to the Council Chamber, where he was given the Oath of Office by Mayor Lee, and invited to take a seat at the Council table.

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, February 18, 1943--4:30 P. M.

The City Council met in regular session Thursday, February 18, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen O. E. Starnes, C. Fred Brown, Earl W. Eller, Bretney Smith, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
Acting City Clerk

Thursday, February 25, 1943--4:30 P. M.

The City Council met in regular session Thursday, February 25, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, Earl W. Eller, Bretney Smith, C. Fred Brown, O. E. Starnes, Vice-Mayor J. E. Divelbiss, Jr., Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

CLAIM S. D. BOWERS

Mr. Don C. Young, Attorney, filed the following claim and correction, which was ordered filed and referred to the Corporation Counsel and City Manager, as follows:

THE HONORABLE MAYOR, CITY MANAGER AND COUNCIL OF THE CITY OF ASHEVILLE:

The undersigned, A. G. Bowers, residing in Asheville, North Carolina, by and through his next friend, S. D. Bowers, and his attorney Don C. Young, hereby files claim against the City of Asheville for personal injuries sustained by the said A. G. Bowers, at the time, place and manner hereinafter set out, to-wit:

1. DATE. Claimant was injured on the 30th day of June, 1941, at about 3 o'clock P. M. (Correction-- date was June 1942--should have been 1941)

2. PLACE. Claimant was injured in one of the passenger elevators operated by the City of Asheville in the City Hall of said city.

3. MANNER OF INJURY INFLICTION. On said date at about 3 o'clock P.M., the claimant entered the second passenger elevator in the City Hall for the purpose of going to the sixth floor of the City Hall, said elevator at said time being operated by the servant agent or employee of the City of Asheville; that the said operator of said passenger elevator started the same upward as the claimant was entering therein and before the claimant had properly entered the same, the suddenness thereof throwing the plaintiff against the side of said elevator with his back to the opening or door of the elevator and thereupon plaintiff immediately turned around facing the door of said elevator when instantaneously his left foot came in contacg with the wall between the second and third floors of said building and seriously and permanently injured claimant; that the said servant, agent or employee of said City was operating said elevator at said time with the inner or grill door of the elevator open about ten or twelve inches, although said employee had positive instructions not to operate or undertake to operate said elevator without the grill door closed and to keep and maintain the same closed while in operation; that the said elevator at said time was negligently operated by the servant, agent or employee of the defendant; that the said elevator was in a defective condition and known to be defective by the said City, and that the elevator was being operated without those safety features customarily used upon such elevators, to-wit: Car gate contacts and Wagner type interlocks, all of which was known or should have been known to the said City; that the said operator of said elevator was negligently using the said grill door as a starter and stopper of the elevator without using the switch provided thereon for said purpose, all of said negligent acts known or should have been known to the City.

4. CHARACTER OF INJURY: That when the operator of said elevator negligently and suddenly started the same before the claimant had properly entered therein and threw the claimant against the side of said elevator, and when claimant in an effort to balance himself turned around facing the grill door, his foot came in contact with the wall of the building through the opening negligently caused by the operator of said elevator leaving the grill door thereof open and when said foot came in contact with the wall of the building it broke and crushed the bones in said foot leaving the same in a defective and crooked position and necessitated the amputation of another toe on said foot, and large expenditures for hispital and doctors bills.

5. AMOUNT OF DAMAGE CLAIMED: That as a result of the negligence on the part of the City as aforesaid claimant has been permanently injured and damaged in the sum of at least the sum of $10,000.00, for which this claimant now makes claim for restitution against the City of Asheville.

Respectfully submitted this the day and year above written.

S. D. Bowers, next friend
of A. G. Bowers, minor.

By Don C. Young
Attorney for Claimant

Service of the above notice of claim is hereby accepted and further notice thereof if waived and receipt of a copy of said notice is acknowledged.

This the 14 day of December, 1942.

Corporation Counsel for the
City of Asheville.

There being no further business, the meeting was upon motion adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, March 4, 1943--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

Mayor

Glenn Morris
City Clerk

Thursday, March 11, 1943--4:30 P. M.

The City Council met in regular session Thursday, March 11, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, Bretney Smith, Earl W. Eller, City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

Resolution authorizing the Mayor to execute deed to George C. Shehan representing a transfer of property necessary for the Airport, was upon motion of Councilman Brown, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE DEED TO GEORGE C. SHEHAN

WHEREAS, it has been deemed necessary for the benefit of the airport to exchange certain lands with Mr. George C. Shehan in straightening Cane Creek so as to create a satisfactory boundry line between the said Shehan and the City of Asheville concerning which there has been for some considerable time a controversy and dispute:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville convey to George C. Shehan that certain real estate described in a deed dated 12th day of March, 1943 containing five acres, more or less, as shown by reference to Map 8-82 in the Engineering Department of the City of Asheville, and the Mayor is hereby authorized and empowered to execute and deliver said deed and the City Clerk to attest same and affix the corporate seal of the City of Asheville upon delivery of a deed from George C. Shehan to the City of Asheville conveying that certain tract containing two acres, more or less, and being a part of the land acquired by said Shehan from the Shehan Brick Company by deed registered in Book 204 at Page 55 in the office of the Register of Deeds for Henderson County and being further described by the plat herinbefore referred to, namely Map 8-82 in the Engineering Department of the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
Councilman

Seconded by: O. E. Starnes
Councilman

Read, approved and adopted, this 12 day of March, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, March 18, 1943--4:30 P. M.

The City Council met in regular session Thursday, March 18, 1943, at 4:30 P. M., with Vice-Mayor J. E. Divelbiss, Jr. presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, Bretney Smith, Earl W. Eller, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Vice-Mayor Divelbiss.

Minutes of the previous meeting were read and approved.

Petition signed by residents of Montford Hill requesting bus service for that section of the City was presented to the Council. Vice-Mayor Divelbiss asked that Councilman Brown, and Councilman Smith ride over the present route and the proposed route, and report back at the next regular meeting of the Council.

Vice-Mayor Divelbiss asked Corporation Counsel Philip C. Cocke, Jr., to explain the new act to prohibit the sale of wine and beer on Sunday, and asked Mr. Burdette, City Manager to confer with Chief Dermid and have a complete report ready for the meeting next Thursday, which date was set by the City Council for a public hearing, and the public was invited to attend.

There being no further business, the meetinf was upon motion, adjourned.

Vice-Mayor

Glenn Morris
City Clerk

Thursday, March 25, 1943--4:30 P. M.

The City Council met in regular session Thursday, March 25, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen O. E. Starnes, C. Fred Brown, Bretney Smith, Earl W. Eller, Holmes Bryson, Vice-Mayor J. E. Divelbiss, Jr., Philip C. Cocke, Jr. Corporation Counsel, and Mayor Lee.

Minutes of the preceding meeting were read and approved.

Resolution authorizing the extension of a contract with the United States Veterans Bureau, Oteen, North Carolina, in regard to furnishing certain water to said veterans Bureau, being Contract #VBM-6108 was upon motion of Vice-Mayor J. E. Divelbiss, Jr., seconded by Councilman Smith, unanimously passed as follows:

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT WITH THE UNITED STATES VETERANS BUREAU, OTEEN, NORTH CAROLINA, IN REGARD TO FURNISHING CERTAIN WATER TO SAID VETERANS BUREAU, BEING CONTRACT #VBM-6108

WHEREAS, contract #VBM-6108 by and between the City of Asheville and the United States Veterans Bureau for the purpose of the City of Asheville supplying water to the Veterans Bureau at Oteen, North Carolina will expire on June 30, 1943; and

WHEREAS, the United States Veterans Bureau is desirous of renewing said contract for a period of One year;

NOWM THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That said contract #VBM-6108 be and the same is hereby renewed, said rates and meter charges to be the same, for a period of one year from June 30, 1943, the life of said contract to be until June 30, 1944.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

Seconded by: Bretney Smith
Councilman

Read, approved and adopted, this 25th day of March, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing the Vice-Mayor to execute quit-claim deed to Ida H. Nevercel was upon motion of Councilman E. W. Eller, seconded by Bretney Smith, unanimously adopted as follows:

RESOLUTION AUTHORIZING THE VICE-MAYOR TO EXECUTE QUIT-CLAIM DEED TO IDA H. NEVERCEL

WHEREAS, a resolution passed on February 4, 1943 by the City Council of the City of Asheville authorizing the City Manager to sell to the highest bidder at the Court House door, after advertisement, Lot 58, Sheet 19, Ward 4; and

WHEREAS, Margaret Simmons, agent, became the last and highest bidder in the amount of $400.00 at the sale above referred to; and

WHEREAS, ten days having elapsed, and said bid has not been raised; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Vice-Mayor is hereby authorized and directed to execute a deed, attested by the City Clerk. to Ida H. Nevercel for the above described property.

I move the adoption of the foregoing resolution.

E. W. Eller
Councilman

Seconded by: Bretney Smith
Councilman

Read, approved and adopted this 25 day of March, 1943.

L. Lyons Lee
Mayor
Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Date was set at the last meeting of the City Council for a public hearing upon the subject of restricting the sale and public comsumption of Wine and Beer on Sundays, or any night after 11:30 P. M. and before 7:00 A.M. The Act was read in full by the Corporation Counsel, Mr. Philip C. Cocke, Jr., and Mayor Lee then asked any Citizen present to speak on the subject.

Attorney Don C. Young was the first to speak and he spoke in favor of the restriction on the sale of beer and wine on Sundays, or from 11:30 Saturday until 7 A.M. Monday. Rev. Floyd [illegible], President of the Ministerial Association of Asheville, Rev. W. J. Wright, of the Broadway Mission, Tom Carmichael, representing the truck drivers, W. M. Hamrick, the Rev. Carroll Fowler, Mrs. [illegible], Bates, President of the W.C.T.U., Mrs. D. A. Green, Mrs. Parrot, Miss Fannie McCoy spoke in favor of the restriction. E. L. Reves, a retired army officer, of Monta Vista Road spoke against the restriction.

Mayor Lee thanked all who spoke for and against the subject, and told them that the Council would consider their views and announce its decision later.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, April 1, 1943, 4:30 P. M.

The City Council met in regular session Thursday, April 1, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen O. E. Starnes, Holmes Bryson, Earl W. Eller, Bretney Smith, C. Fred Brown, Corporation Counsel Philip C. Cocke, Jr., P. M. Burdette, City Manager, and Mayor Lee.

The City Manager, P. M. Burdette, reported to the Council that the petition presented by Attorney Reid Kitchen, for many residents in Montford Hills, requesting bus service, had been withdrawn.

Resolution authorizing the Mayor to execute deed to William R. King, was upon motion of Councilman Smith, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEED TO WILLIAM R. KING

WHEREAS, a resolution passed on February 4, 1943 by the City Council of the City of Asheville authorized the City Manager to sell to the highest bidder at the Court House door, after advertisement, Lots 47, 47¼, 47½, Sheet 7, Ward 6; and

WHEREAS, Margaret Simmons, agent, became the last and highest bidder in the amount of $100.00 at the sale above referred to; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville;

NOW, THEREFOTE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a deed, attested by the City Clerk, to William R. King for the above described property.

I move the adoption of the foregoing resolution.

Bretney Smith
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted this 1 day of April, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing Mayor to execute quit-claim deed to Christ School, Incorporated, was upon motion of Councilman Starnes, seconded by Councilman Eller, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO CHRIST SCHOOL, INCORPORATED.

WHEREAS, the City acquired through tax foreclosure procedings certificates for numerous pieces of property for the year 1927; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, John A. Nichols was original owner of the property hereinafter referred to, which property was covered by mortgage owned by Christ School, and which mortgage has been foreclosed; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
6191	John A. Nichols	42½	4	4	Christ School, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: E. W. ELLER
COUNCILMAN

Read, approved and adopted, this 1 day of April, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
City Clerk

Ordinance No. 289, entitled, "An Ordinance regulating the sale in places licensed to sell Beer and/or Wine in the City of Asheville" was put upon its first reading with the following vote:

Councilman Starnes voted "aye", Councilman Bryson voted "aye", Councilman Eller voted "aye", Councilman Smith voted "aye", Councilman Brown voted "aye" and Mayor Lee voted "aye".

There being no further business, the meeting was upon motion, adjourned.

Mayor L. Lyons Lee

Glenn Morris
City Clerk

Thursday, April 8, 1943--4:30 P. M.

The City Council met in regular session Thursday, April 8, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, Earl W. Eller, Brevard Smith, C. Fred Brown, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Ordinance No. 289, entitled, "AN ORDINANCE REGULATING THE SALE IN PLACES LICENSED TO SELL BEER AND/OR WINE IN THE CITY OF ASHEVILLE", was put on its second reading and was unanimously passed with the following vote:

Councilman Bryson voted "aye", Councilman Eller voted "aye"
Councilman Smith voted "aye", Councilman Brown voted "aye"
Councilman Starnes voted "aye", Vice-Mayor Divelbiss voted "aye" and Mayor Lee voted "aye".

Resolution authorizing Mayor to execute quit-claim deed to Aby Oil Company was upon motion of Councilman Brown, seconded by Councilman Bryson, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO ABY OIL COMPANY

WHEREAS, the City acquired through tax foreclosure proceedings certificate for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owners said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the M. J. Fagg Estate was the original owner of the property hereinafter referred to, which property has been quit-claimed by the heirs of said estate to Aby Oil Company; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
6041 (1927) 1157 (1928)	M. J. Fagg Estate	151	9	4	Aby Oil Company

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
Councilman

Seconded by: Holmes Bryson
Councilman

Read, approved and adopted this 8 day of April, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
PHILIP C. COCKE, JR.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor L. Lyons Lee

Glenn Morris
City Clerk

Thursday April 15, 1943--4:30 P. M.

The City Council met in regular session Thursday, April 15, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, O. E. Starnes, Earl W. Eller, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Ordinance No. 289, entitled "AN ORDINANCE REGULATING THE SALE IN PLACES LICENSED TO SELL BEER AND/OR WINE IN THE CITY OF ASHEVILLE" was put on its third and final reading and was unanimously passed with the following vote:

Vice-Mayor Divelbiss voted "aye", Councilman Eller voted "aye"
Councilman Smith voted "aye", Councilman Brown voted "aye"
Councilman Starnes voted "aye" and Mayor Lee voted "aye"

The Ordinance was ordered published and will become effective May 3, 1943.

ORDINANCE NO. 289

AN ORDINANCE REGULATING THE SALE IN PLACES LICENSED TO SELL BEER AND/OR WINE IN THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It shall be unlawful for any person, firm or corporation to sell or offer for sale beer and/or wine within the corporate limits of the City of Asheville after 11:30 P. M. on Saturday and before 7:00 A.M. on Monday of each and every week.

Section 2. That it shall be unlawful for any person, firm or corporation to deliver any beer and/or wine within the corporate limits of the City of Asheville between the hours of 11:30 P. M. on Saturday and before 7:00 A. M. on Monday of each week.

Section 3. That any person, firm or corporation licensed to sell beer and/or wine violating the provisions of this ordinance shall be fined not less than Fifty Dollars and/or imprisoned not less than thirty days, and his or its license to sell beer and/or wine shall be automatically revoked by the court or as otherwise provided by law.

Section 4. That this ordinance shall be in full force and effect fifteen days after its publication.

I move the adoption of the foregoing ordinance this 1st day of April, 1943.

O. E. Starnes
COUNCILMAN

SECONDED BY: E. W. Eller
COUNCILMAN

Read, approved and adopted, this 15 day of April, 1943, to become effective 3 day of May, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Prior to the third and final reading, Mr. E. L. Rivers spoke again against the passage of the ordinance. Mr. Burgin Pennell, Attorney representing the Beer Dealers Association requested the Ordinance be held over until the next meeting of the Council.

Resolution authorizing the Mayor to execute quit-claim deeds to Richard L. Crooke and wife, Ada G. Crooks, and S. E. Horton and wife, Lillian M. Horton was upon motion of Councilman Smith, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS TO RICHARD L. CROOKE AND WIFE, ADA G. CROOKE, AND S. E. HORTON AND WIFE, LILLIAN M. HORTON

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has ontained title to any real estate the power and authority to reconvey to the original owners said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, Richard L. Crooke and wife, Ada G. Crooke have [illegible] deed from J. C. [illegible] Lumber Company, the original owner of lots 182 and [illegible]; and the Shuford Estate, listed owner of Lot 182, deed [illegible] in said lot; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SQUARE	WARD	DESCRIPTION
1735 (1927) 6451 (1928)	J. C. [illegible] Lumber Co.	182 ½ 229	12	1	[illegible]
2433 (1927) 6465 (1928)	Shuford Estate	182	8	6	[illegible]

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which shall be turned over to the tax collector of the City of Asheville who will deliver the same to the grantees upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Bretney Smith
COUNCILMAN

SECONDED BY: O. E. STARNES
COUNCILMAN

Read, approved and adopted, this 15 day of April, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, April 22, 1943--4:30 P. M.

The City Council met in regular session Thursday, April 22, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, Earl W. Eller, Bretney Smith, C. P. Starnes, Vice-Mayor J. E. Divelbiss, Jr., Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Resolution authorizing Mayor to execute lease with General Outdoor Advertising Company was upon motion of Councilman Brown, seconded by Councilman Eller, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE WITH GENERAL OUTDOOR ADVERTISING COMPANY

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place certain sign boards on certain lots designated in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorised and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

E. W. ELLER
COUNCILMAN

Read, approved and adopted, this 22 day of April, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, April [illegible], 1943--4:[illegible] P. M.

The City Council met in regular session Thursday, April [illegible], 1943 at 4:[illegible] P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Erwin, C. Fred Brown, C. P. Starnes, Earl W. Eller, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr., Corporation Counsel Philip C. Cocke, Jr., City Manager P. M. Burdette, and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

[illegible]

Resolution authorizing the Mayor to execute quit-claim deed to R. C. Andrews and wife, Catherine J. Andrews, was upon motion of Councilman C. Fred Brown, seconded by Councilman Holmes Erwin, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO R. C. ANDREWS AND WIFE, CATHERINE J. ANDREWS

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1931 session enacted a tax relief bill giving any governmental unit which has obtained title to any such property the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, R. C. Andrews and wife, Catherine J. Andrews, have obtained a quitclaim deed from Emma L. Dean and husband, E. A. Dean, the listed owner of said property; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	MAP	[illegible]
6628 (1927) 1736 (1928)	W. G. Dean and wife Glennie	234	12	5	R. C. Andrews and wife, Catherine J. Andrews

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

Holmes Erwin
COUNCILMAN

Read, approved and adopted, this 22 day of April, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

[illegible]

Resolution authorizing the Mayor to execute lease in the name of the City of Asheville with the United States of America (City Hall to Flight Control Command) was upon motion of Councilman Bretney Smith, seconded by Councilman J. E. Divelbiss, Jr., unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE IN THE NAME OF THE CITY OF ASHEVILLE WITH THE UNITED STATES OF AMERICA (CITY HALL TO FLIGHT CONTROL COMMAND)

WHEREAS, the Government of the United States of America has seen fit to request the turning over by the municipal authorities of the City of Asheville the city building of said city known as the City Hall for the use thereof for the duration of the war; and

WHEREAS, the United States Government is placing in the city building of the City of Asheville a division of the Air Force Command of the United States Army; and

WHEREAS, the governing body of the City of Asheville deems it expedient, necessary, wise, and to the best interests of the people of the City of Asheville to comply with the request of the United States Government in this time of emergency to lease the City Building known as the City Hall to the United States of America;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized, instructed and empowered to execute a lease between the City of Asheville, North Carolina, a municipal corporation organized and existing under and by virtue of the laws of the State of North Carolina and the United States of America, said lease being made a part of this resolution and being attached hereto, and it is further ordered and authorized that the City Clerk be and she is hereby instructed to affix the corporate seal of the City of Asheville to said lease mentioned above.

I move the adoption of the foregoing resolution.

Bretney Smith
COUNCILMAN

J. E. DIVELBISS, JR.
COUNCILMAN

Read, approved and adopted, this 29th day of April, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mr. Burdette, personally and officially thanked the City Organization for the splendid work done in moving the City Hall from our present building to the Fourth Floor of the Court House. This move was accomplished over the week-end with no interruption of service to the public. Mr. Burdette said the entire organization cooperated 100 percent to make the move a notable one. Especial thanks were extended to Mr. Weldon Weir who had charge of the move, and to the City Firemen who did the moving. This was accomplished with no outside help and was a splendid piece of organization. Mr. Burdette also spoke of the help extended by the County Commissioners in helping locate office space.

Mayor Lee extended a warm welcome to the Flight Control Command, and said the City Officials would gladly help them in any way, both officially and personally, to make their stay with us pleasant.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

The City Council met in regular session [illegible], May [illegible], at [illegible] o'clock, P. M., with Mayor Lee presiding. Present: [illegible], Bretney Smith, [illegible], J. E. Divelbiss, Jr., and Philip C. Cocke, Jr., Corporation Counsel. Absent: [illegible].

Minutes of the [illegible] meeting were read and approved.

Resolution authorizing the Mayor to execute quit-claim deeds to J. L. [illegible], Lizzie Sinclair, and J. C. Alberts and wife, Lucy E. Alberts, was introduced [illegible] and seconded by Councilman [illegible], unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS TO J. L. [illegible], E. L. SINCLAIR AND WIFE, LIZZIE SINCLAIR, AND J. C. ALBERTS AND WIFE, LUCY E. ALBERTS

WHEREAS, the City acquired through tax foreclosure proceedings certain real estate for numerous years of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its [illegible] session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, E. L. Sinclair and wife, Lizzie Sinclair, have obtained title to [illegible] from the original owners of Lots 38½, Sheet [illegible], Ward 5, and J. C. Alberts and wife, Lucy E. Alberts, are the original owners of Lot 192, Sheet 19, Ward 5; and

WHEREAS, the following property was sold at private sale:

CERTIFICATES	ORIGINAL OWNER	LOT [illegible]
1516	J. C. Alberts and wife Lucy E.	38½ [illegible]
1516	J. C. Alberts and wife, Lucy E.	192 [illegible]

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as of the set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above referred to, and the title to the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

[illegible]

SECONDED BY: [illegible]

Read, approved and adopted, this 7 day of May, 1943.

L. Lyons Lee

Glenn Morris

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was on motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, May 13, 1943--4:30 P. M.

The City Council met in regular session Thursday, May 13, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, O. E. Starnes, Earl W. Iller, Whitney Smith, Vice-Mayor J. F. Livelbiss, Jr., Corporation Counsel Philip C. Hoke, Jr., City Manager W. A. Burdette, and Mayor L. Lyons Lee.

Minutes of the previous meeting were read and approved.

Mayor Lee requested the Clerk to read a certificate from the Board of Elections [illegible] the General City Election Returns for the election held on May 11, 1943 as follows:

"We, the undersigned, Board of Elections for City of Asheville, North Carolina, [illegible] the General Election in the aforesaid City according to law, do hereby make and certify to be correct the following Statement and Return of votes cast for candidates for the [illegible] on City Councilmen, Judge and Solicitor of Police Court, at the General Election held [illegible] precincts on May 11, 1943.

FOR COUNCILMEN
(Number of votes in words and figures)

L. Lyons Lee	(Democrat) Received	.678.	Votes
O. E. Starnes	(Democrat) Received	.673.	Votes
J. F. Livelbiss, Jr.	(Democrat) Received	.675.	Votes
James Bryson	(Democrat) Received	.675.	Votes
C. Fred Brown	(Democrat) Received	.675.	Votes
Earl Iller	(Democrat) Received	.673.	Votes
Whitney Smith	(Democrat) Received	.67[illegible]	Votes

FOR JUDGE OF POLICE COURT

Sam L. Cathey	(Democrat) Received	.679.	Votes

FOR SOLICITOR OF POLICE COURT

W. C. Hamilton	(Democrat) Received	.676.	Votes

In Witness Whereof, We have hereunto subscribed our names this 12th day of May, 1943.

Marshall W. Orr

Clyde W. Bradley

Chas. F. Crow

STATE OF NORTH CAROLINA
CITY OF ASHEVILLE
COUNTY OF BUNCOMBE

This day personally appeared before me, Marshall W. Orr, Clyde W. Bradley, and Chas. F. Crow, Board of Elections for Asheville, who, being duly sworn, says that the statement of votes herein contained is true and correct, according to the votes cast and counted at said precincts.

In Testimony Whereof, I have hereunto set my hand and affixed my Notarial Seal. This the 14th day of May, 1943.

Margaret Simmons
Notary Public"

My commission expires:

Jan. 6, 1944

Mayor Lee then requested the Clerk to file in the archives of the City the individual returns made by the Registrars of each precinct.

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
Mayor

Glenn Morris
Actin~~g~~ City Clerk

[illegible], May 14, 1943 [illegible]

The re-elected [illegible] with Mayor L. Lyons Lee presiding. [illegible] Judge of the [illegible] administered by Mr. F. [illegible], Clerk [illegible]

Councilmen: O. E. Starnes, Whitney Smith, [illegible]
[illegible] J. F. Livelbiss, Jr., and Mayor Lee.
[illegible] Police Court Sam L. Cathey, [illegible]

Vice-Mayor J. F. Livelbiss, Jr. [illegible] Hon. James Bryson with [illegible] tribute to the [illegible] Mayor to succeed himself, this nomination was seconded by [illegible] elected.

Councilman Brown nominated for Vice-Mayor J. F. Livelbiss, Jr., [illegible] his eighth year on the City Council, and had been outstanding in his [illegible] was seconded by Councilman Iller and he was unanimously elected.

Vice-Mayor J. F. Livelbiss, Jr., nominated for City Manager [illegible], following tribute, this nomination was seconded by Councilman Brown [illegible].

Councilman Smith nominated for Corporation Counsel Philip [illegible] was seconded by Vice-Mayor J. F. Livelbiss, Jr., and he was [illegible].

Councilman Iller nominated for City Clerk Mrs. Fleta Morris, [illegible] by Councilman Starnes who was duly elected.

Upon motion of Councilman Smith, seconded by Councilman Brown, the [illegible] the First National Bank, and the Bank of Asheville were re-named [illegible].

Upon motion of Councilman Iller, seconded by [illegible], that [illegible] were to remain the same:

Mr. Reed Kitchen was nominated for Assistant [illegible] seconded by Councilman Bryson, and he was duly elected.

Upon motion of Councilman Smith, seconded by [illegible] Assistant Solicitor.

Upon motion of Councilman Brown, seconded by [illegible], named Secretary to the Corporation Counsel.

Oath of office was administered to the City Manager, [illegible] F. J. Ed Swain.

It was moved by Vice-Mayor J. F. Livelbiss, Jr., [illegible] of 4:30 P. M. on Thursday of each week remain the [illegible].

It was moved by Vice-Mayor J. F. Livelbiss, Jr., [illegible] be named the City's member on the Civil Service Board. [illegible].

It was moved by Councilman Bryson, seconded by Councilman Brown, that the [illegible] Officials remain the same until further notice. [illegible].

There being no further business, the meeting was [illegible].

Mayor

Glenn Morris

Thursday, May 20, 1943--4:30 P. M.

The City Council met in regular session, Thursday, May 20, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, Earl W. Eller, Bretney Smith, J. Louis Brown, O. E. Starnes, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Philip C. Cocke, Jr., Corporation Counsel and Mayor Lee.

Minutes of the previous meeting were read and approved.

Resolution appointing a Library Board for the City of Asheville, and in accordance with the Legislative Act of the General Assembly of N. C. 1943, increasing the membership from three to six, as follows:

RESOLUTION APPOINTING LIBRARY BOARD FOR THE CITY OF ASHEVILLE

WHEREAS, the General Assembly of North Carolina at its 1943 session increased the Library Board for the City of Asheville from three to six members; and

WHEREAS, it is provided in said law that the City Council of the City of Asheville is to name said Library Board at the first meeting after its organization for the 1943-43 term:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That pursuant to the law passed by the North Carolina Legislatire at its 1943 session HOBART N. WRIGHT, CHARLES K. ROBINSON AND MISS ANNIE WESTALL are hereby appointed for four years, and HORACE M. STEPHENS, MRS. WALL ANDERSON and L. N. CONNOR are hereby appointed for two years, to constitute the LIBRARY BOARD for the City of Asheville.

I move the adoption of the foregoing resolution.

E. W. Eller
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 20th day of May, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing the City Manager to advertise for bids to operate Mica Mine owned by the City, was upon motion of Councilman Starnes, seconded by Councilman Bryson, unanimously passed as follows:

RESOLUTION AUTHORIZING CITY MANAGER TO ADVERTISE FOR BIDS TO OPERATE MICA MINE OWNED BY THE CITY

WHEREAS, the City of Asheville is owner of a certain mica mine known as the old Abernathy mine located on the north folk of the Swannanoa River; and

WHEREAS, there have been several offers to mine said mine by individuals and operators; and Whereas, the City Council deems it advisable to advertise for bids to operate said mica mine;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized to advertise for bids to operate what is known as the old Abernathy mica mine, and that is owned by the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: Holmes Bryson
COUNCILMAN

Read, approved and adopted, this 20 say of May, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

[illegible] and employees of the City [illegible], [illegible] hereby respectfully claim and demand payment of the sum [illegible] Dollars.

MARY WALKER

By: James C. Howell
James C. Howell, Attorney

[illegible] authorize the mayor to execute quit-claim deeds to Tench W. Parks and C. [illegible], [illegible] Councilman Miller, seconded by Councilman Livelsberger, unanimously passed [illegible]:

[illegible] AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEEDS TO TENCH W. PARKS, [illegible].

WHEREAS, the City acquired through tax foreclosure proceedings certificates for nonpayment of taxes on property for the year 1937; and

WHEREAS, the General Assembly of North Carolina at its 1943 session enacted a tax relief bill giving any taxpayer or taxpayers who has obtained title to any real estate through foreclosure proceedings to the original owner sold property upon the payment of the taxes, plus 6% interest and $5.00 costs, without advertising same; and

WHEREAS, Tench W. Parks has obtained quit-claim deed from Eloise Carney, the original owner of lot 231, Block 1, Burd 1; and C. A. Nichols, the listed owner of lot 42, Block 1, Burd 1, died August 23, 1938, and his heirs have made no tax payments on said property to the present time; and

WHEREAS, said property was sold at private sale:

PARCEL NO.	ORIGINAL OWNER	LOT	BLOCK	WARD	SOLD TO
[illegible]	Eloise Carney	231	1	1	Tench W. Parks
[illegible]	C. A. Nichols	42	4	4	J. D. Earle

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds shall be countersigned by the collector of the City of Asheville who will deliver the same to the [illegible] upon payment of the taxes above referred to, and the listing of the property in the name of the original owner; title was vested in the City of Asheville.

This the [illegible] day of [illegible] resolution.

D. W. Miller
COUNCILMAN

SECONDED BY: J. L. Livelsberger, Jr.
COUNCILMAN

[illegible], and duly adopted, this 14th day of June, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

ATTESTED AS TO FORM:

Philip S. Roche, Jr.
[illegible] Attorney

Ordinance No. 295 entitled "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND FIXING THE LIABILITY FOR TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1943 AND ENDING MAY 31, 1944" was put upon its second reading with the following vote:

Councilman Livelsberger voted "aye", Councilman Starnes voted "aye", Councilman Miller voted "aye", Councilman Brown voted "aye", and Mayor Lee voted "aye".

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
~~Acting~~ City Clerk

Acetone, in containers of one gallon or less	$0.30
Acetone, in containers of more than one gallon	1.00
Acid, acetic, 28% or more but not more than 80% strength	.30
Acid, acetic, more than 80% strength	.60
Acid, boric, powdered or crystal	.10
Acid, carbolic, crude	.10
Acid, carbolic, U.S.P.	.20
Acid, chromic	.10
Acid, citric	.30
Acid, hydrochloric (muriatic)	.10
Acid, hydrofluoric	.10
Acid, lactic	.10
Acid, nitric	.10
Acid, oxalic	.10
Acid, phosphoric	.10
Acid, picric	.10
Acid, salicylic, U.S.P.	.10
Acid, sulphuric	.10
Acid, tannic	.10
Acid, tartaric	.10
Acids, mixed, not specially enumerated	.10
Alcohol, amyl	.10
Alcohol, butyl	.10
Alcohol, ethyl, U.S.P., 190 proof or less	.30
Alcohol, ethyl, U.S.P., more than 190 proof	.60
Alcohol, isopropyl	.10
Alcohol, methyl	.10
Alcohol, propyl	.10
Alcohols, mixed, not specially enumerated	.10
Aldehyde, formic	.10
Aldehyde, paraformic	.10
Aldehydes, not specially enumerated	.10
Alkaloids, not specially enumerated	.10
Alum	.10
Ammonia, aqua, 26° or less	.10
Ammonia, aqua, more than 26°	.20
Ammonium carbonate	.10
Ammonium chloride	.10
Ammonium nitrate	.10
Ammonium sulphate	.10
Amyl acetate	.10
Amyl alcohol	.10
Amyl nitrite	.10
Aniline oil	.10
Aniline salts	.10
Antimony, crude	.10
Antimony, metal	.10
Antimony, oxide	.10
Antimony, sulphide, crude	.10
Antimony, sulphide, precipitated	.10
Antimony, sulphide, refined	.10
Antimony, tartrate	.10
Arsenic, metal	.10
Arsenic, oxide	.10
Arsenic, sulphide, red	.10
Arsenic, sulphide, yellow	.10
Asbestos, crude	.10
Asbestos, manufactured, not specially enumerated	.10
Asphaltum	.10
Barium, carbonate	.10
Barium, chlorate	.10
Barium, chloride	.10
Barium, dioxide	.10
Barium, hydrate	.10
Barium, nitrate	.10
Barium, oxide	.10
Barium, sulphate, crude	.10
Barium, sulphate, precipitated	.10
Barium, sulphide	.10
Bauxite	.10
Bay rum	.30
Bay rum, containing alcohol	.30
Benzaldehyde	.10
Benzine	.10
Benzol	.10
Bismuth, metal	.10
Bismuth, oxide	.10
Bismuth, salts	.10
Bismuth, subnitrate	.10
Bismuth, subsalicylate	.10
Bismuth, tribromphenate	.10
Bismuth, trioxide	.10
Bitumen	.10
Bleaching powder	.10
Blood, dried	.10
Bone, ground	.10
Bone, meal	.10
Bone, spirit	.10
Bone, tar	.10
Bone, tar oil	.10
Bone, tar pitch	.10
Boneblack	.10
Boneblack, animal	.10
Boneblack, vegetable	.10
Bones, crushed	.10
Bones, ground	.10
Bones, meal	.10
Bones, spirit	.10
Bones, tar	.10
Bones, tar oil	.10
Bones, tar pitch	.10
Boneturner's oil	.10
Bonewhite	.10
Bonewhite, animal	.10
Bonewhite, vegetable	.10
Boracic acid	.10
Borax	.10
Bordeaux mixture	.10
Boric acid	.10
Brimstone	.10
Bromine	.10
Bromine, compounds, not specially enumerated	.10
Bronze powder	.10
Burgundy pitch	.10
Burnt umber	.10
Butyl acetate	.10
Butyl alcohol	.10
Butyl chloral hydrate	.10
Butyl lactate	.10
Butyl stearate	.10
Butyric acid	.10
Calcium, acetate	.10
Calcium, arsenate	.10
Calcium, bisulphite	.10
Calcium, carbide	.10
Calcium, carbonate, crude	.10
Calcium, carbonate, precipitated	.10
Calcium, chlorate	.10
Calcium, chloride	.10
Calcium, hydrate	.10
Calcium, hypochlorite	.10
Calcium, nitrate	.10
Calcium, oxide	.10
Calcium, phosphate	.10
Calcium, sulphate, crude	.10
Calcium, sulphate, precipitated	.10
Calcium, sulphide	.10
Calcium, tartrate	.10
Camphor, crude	.10
Camphor, refined	.10
Camphor, synthetic	.10
Carbon, bisulphide	.10
Carbon, dioxide	.10
Carbon, disulphide	.10
Carbon, monoxide	.10
Carbon, tetrachloride	.10
Carbon, trichloride	.10
Carbonic acid	.10
Carbonic anhydride	.10
Carbonic oxide	.10
Carbonic oxychloride	.10
Carbonic oxysulphide	.10
Carbonic sulphide	.10
Carbonic sulphoxide	.10
Carbonic tetrachloride	.10
Carbonic trichloride	.10
Carbonyl chloride	.10
Carbonyl oxychloride	.10
Carbonyl oxysulphide	.10
Carbonyl sulphide	.10
Carbonyl sulphoxide	.10
Carbonyl tetrachloride	.10
Carbonyl trichloride	.10
Carbozole	.10
Carmine	.10
Carmine, lake	.10
Carnauba wax	.10
Castile soap	.10
Castor oil	.10
Castor oil, sulphonated	.10
Cellulose	.10
Cellulose, acetate	.10
Cellulose, nitrate	.10
Cellulose, xanthate	.10
Cerium, metal	.10
Cerium, oxide	.10
Cerium, salts	.10
Cerium, sulphate	.10
Cerium, sulphide	.10
Chalk, crude	.10
Chalk, precipitated	.10
Chalk, prepared	.10
Charcoal, animal	.10
Charcoal, vegetable	.10
Chloral hydrate	.10
Chlorate of potash	.10
Chlorate of soda	.10
Chlorine	.10
Chloroform	.10
Chromium, metal	.10
Chromium, oxide	.10
Chromium, salts	.10
Cinnabar	.10
Citric acid	.10
Clay, crude	.10
Clay, fire	.10
Clay, kaolin	.10
Clay, pipe	.10
Clay, porcelain	.10
Clay, potter's	.10
Clay, precipitated	.10
Clay, prepared	.10
Clay, pulverized	.10
Clay, refined	.10
Clay, retort	.10
Clay, shale	.10
Clay, slip	.10
Clay, tobacco pipe	.10
Clay, washed	.10
Coal, anthracite	.10
Coal, bituminous	.10
Coal, cannel	.10
Coal, gas	.10
Coal, lignite	.10
Coal, soft	.10
Coal, tar	.10
Coal, tar creosote	.10
Coal, tar naphtha	.10
Coal, tar oil	.10
Coal, tar pitch	.10
Cobalt, metal	.10
Cobalt, oxide	.10
Cobalt, salts	.10
Cocaine	.10
Cocoa butter	.10
Cocoanut oil	.10
Cod liver oil	.10
Coke	.10
Collodion	.10
Colocynth	.10
Colocynth, compound	.10
Copal	.10
Copper, metal	.10
Copper, oxide	.10
Copper, salts	.10
Copper, sulphate	.10
Copperas	.10
Copra	.10
Cork, crude	.10
Cork, manufactured	.10
Cork, waste	.10
Cornstarch	.10
Cosmetics, not specially enumerated	.10
Cotton, absorbent	.10
Cotton, crude	.10
Cotton, waste	.10
Cottonseed oil	.10
Cream of tartar	.10
Creosote	.10
Creosote, coal tar	.10
Creosote, wood tar	.10
Cresol	.10
Cresylic acid	.10
Crocus	.10
Croton oil	.10
Cubebs	.10
Cudbear	.10
Cutch	.10
Cyanide of potassium	.10
Cyanide of sodium	.10
Cyanogen	.10
Cyanogen, compounds, not specially enumerated	.10
Cyanogen, gas	.10
Cyanogen, iodide	.10
Cyanogen, potassium	.10
Cyanogen, sodium	.10
Cyanuric acid	.10
Cyanuric chloride	.10
Cymene	.10
Dammar	.10
Dammar, crude	.10
Dammar, refined	.10
Dammar, spirit	.10
Dammar, varnish	.10
Dandelion, extract	.10
Dandelion, root	.10
Dandelion, root, extract	.10
Dandelion, root, powdered	.10
Dandelion, root, spirit	.10
Dandelion, root, tincture	.10
Dandelion, spirit	.10
Dandelion, tincture	.10
Dandelion, wine	.10
Dandelion, wine, spirit	.10
Dandelion, wine, tincture	.10
Dandelion, wine, tincture, spirit	.10
Dandelion, wine, tincture, spirit, extract	.10
Dandelion, wine, tincture, spirit, extract, powdered	.10
Dandelion, wine, tincture, spirit, extract, powdered, root	.10
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the discontinuance of [illegible] extended bus [illegible]. This matter was referred to [illegible].

[illegible] motion, adjourned.

Clarence Morris
City Clerk

Thursday, June 24, 1943--4:30 P.M.

[illegible], June 24, 1943, at 4:30 P.M., with [illegible] L. Lyons [illegible]. Fuller, J. Frol Brown, Holmes Bryson, City Manager P. M. [illegible].

[illegible] approved.

[illegible] Council in reference to the extended bus service in Montford [illegible]. [illegible] Council by this matter under consideration.

[illegible] motion, adjourned.

Clarence Morris
Acting City Clerk

Thursday, July 2, 1943--4:30 P. M.

The Council met in [illegible] session Thursday, July 2, 1943 at 4:30 P. M., with [illegible]. Councilmen Holmes Bryson, Earl W. Fuller, Bretney Smith, [illegible], C. [illegible] Burdette, Philip C. Cooke, Jr. Corporation Counsel, [illegible].

The minutes were read and approved.

[illegible] right in alleyway in Re Coxe Estate, was upon motion of Councilman [illegible], seconded by Councilman Fuller, unanimously passed as follows:

[illegible] RIGHT IN RE COXE ESTATE

WHEREAS, in a partition proceeding entitled, "M.C. & F.R. Coxe, et al [illegible]," the tract of land at the Northwest corner of Patton Avenue [illegible], and the Commissioners appointed for that purpose divided the [illegible] to effect a fair division an alley (sometimes referred to as [illegible] the report of the said Commissioners, for the benefit of the owners [illegible] of ingress, egress, and regress to the same, plat of which division, [illegible], duly filed and recorded, said plat being recorded in Book [illegible], Page [illegible]; and

WHEREAS, in the partition the ownership of all of the said eight lots [illegible] by the division of a much smaller group, and there is, therefore, [illegible] to so many small lots, and the said alley as laid off is no [illegible]; and

WHEREAS, the alley as laid out by the Commissioners on the plat has never actually been [illegible] or otherwise established on the property itself, and no one has ever exercised the right to use the said alley; and

WHEREAS, since the said division was made the owners of the said property have released [illegible] which was used for the widening of Patton Avenue, and the depth of the lots [illegible] 10 [illegible], and the [illegible] lots facing Patton Avenue have been correspondingly reduced [illegible] the said alley as laid out on the property is no longer desirable but is, on the contrary, detrimental to the [illegible] to the best use and development of the said tract; and

WHEREAS, the owner of all of the lots in the said division, through their attorney, [illegible] Coxe, Jr., [illegible] their intention and desire to consolidate and replat the said tract, including the elimination of the alley as laid out by the said Commissioners, and have, therefore, requested the City of Asheville to cooperate in preventing any future question or cloud on the said property by disclaiming any interest in the alley referred to;

[illegible], the City of Asheville has never accepted the said alley or any part thereof in the [illegible] or dedication to the public, [illegible] rights to be [illegible] or [illegible] over [illegible].

I move the adoption of the foregoing resolution.

[illegible] Smith
[illegible]

SECONDED BY: [illegible] E. Fuller
[illegible]

[illegible], unanimously passed, this 1 day of July, 1943.

L. Lyons Lee
MAYOR

[illegible]
ATTEST:

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

[illegible] LIBRARY

Resolution naming an Advisory Board for the [illegible] Library [illegible] for a period of two years was upon motion of Councilman [illegible], [illegible], [illegible] passed as follows:

RESOLUTION NAMING AN ADVISORY BOARD [illegible] LIBRARY OF THE CITY OF ASHEVILLE FOR A PERIOD OF TWO YEARS

WHEREAS, the City Council has received a recommendation from [illegible] M. Wright, Chairman of the Library Board, under date of June 14, 1943 stating that at a meeting of the Library Board of the City of Asheville, Eleanor M. Walker, Adella P. Baffin and Dr. F. A. Evans were recommended to act in an advisory capacity for the colored library of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Eleanor M. Walker, Adella P. Baffin and Dr. F. A. Evans be and they are hereby appointed as an Advisory Board for the colored library of the City of Asheville for a period of two years.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: C. B. Starnes
COUNCILMAN

Read, approved and adopted, this 1 day of July, 1943.

L. Lyons Lee
MAYOR

Clarence Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

CITY HALL PROPERTY TO BE [illegible]

City Manager P. M. Burdette presented a memorandum of City Hall property after moving from the City Hall to the County Court House, and upon motion of Councilman Brown, seconded by Councilman Starnes the memorandum was ordered incorporated in the minutes of the City Council as a permanent record.

Mr. P. M. Burdette,
City Manager,
Asheville, N. C.

Dear Mr. Burdette:

In moving the various departments of the City Government from the City Hall Building to the Court House and other publicly owned building involved, allowing considerable of the City's office equipment to be used by various agencies. In my

[illegible] to the file carrying this information, [illegible] Buncombe County Sinking Fund Commission with the secretary of [illegible] records.

[illegible], signed by John C. Davis, First Lieutenant C of E, for the [illegible].

[illegible], by John C. Davis, First Lieutenant C of E, for Executive [illegible].

[illegible], by Mary Fowler Allen, chairman of production, [illegible].

[illegible], signed by Jessie L. Miller, clerk, Buncombe County [illegible].

[illegible], signed by A. C. Barnett, clerk Buncombe County Selective [illegible]

[illegible], signed by Curtis Bynum, secretary, Buncombe County [illegible].

[illegible], signed by Miss Jean Patton, supervisor of Buncombe [illegible] organization.

[illegible], signed by E. P. Michl, chief clerk, War Price and [illegible].

[illegible] June 10, 1943, signed by C. L. Veney, district supervisor, Vocational [illegible].

[illegible] proceeds, a very important document captioned "Joint Survey [illegible], North Carolina". This survey deals directly with the Government's rest[illegible] to its original status at the conclusion of the lease [illegible] City of Asheville. This survey is signed by the [illegible], Mayor of the City of Asheville, and Lemuel W. Boykin, Jr. Captain [illegible], Commanding Officer, Station Hospital, Swannanoa, North Carolina.

[illegible] executive order be issued to the secretary of the [illegible] Buncombe County directing that the above documents are to remain in his custody with [illegible] Sinking Fund Commission.

[illegible] second floor of the Municipal Building has been established, and all [illegible] equipment has been stored in this location. Keys are in the custody of the Director [illegible] various sections of partitions removed from the City Hall by [illegible] Contractor described in a memorandum receipt dated May 28, 1943, to the Post [illegible] Hospital, Swannanoa, North Carolina, and signed by the Director of Public Works [illegible].

Yours very truly,

s/s J. Weldon Weir

Director of Public Works

[illegible].

[illegible], read petition signed by merchants on College Street, [illegible] Council to refuse application for billiard parlor to be located at [illegible], this location is in the middle of one of the best business blocks in [illegible]. [illegible], the application was held open.

[illegible]

Mr. [illegible], Jr., Corporation Counsel called attention to the fact that Mary Walker, [illegible] James S. Howell had filed claim for personal injuries in the amount of $500.00, [illegible] additional claim for $500.00 as set out below:

[illegible], MAYOR, AND COUNCILMAN OF THE CITY OF ASHEVILLE, [illegible]:

You will please take notice that the undersigned, Mary Walker, who resides [illegible] South Grove Street, in the City of Asheville, North Carolina, by and through her attorney, James S. Howell, filed claim with your Honorable body and placed you on notice of certain personal injuries sustained by her, which claim was filed June 10, 1943, and presented to your Honorable body at that time. In said claim Mary Walker represented that on Thursday, May 20, 1943, at about 10:20 p.m. in front of #122 South Grove Street, the claimant stepped into an opening in the sidewalk in frony of said street, and was injured and has suffered, and her work interfered with, all due to the negligence of the City of Asheville, which negligence resulted in a fall producing bruises and lacerations to the body of the claimant.

That claimant hereby amends her claim and respectfully claims damages for an additional [illegible] ($500.00) Dollars, or a total of One Thousand ($1,000.00) Dollars, by reason of the fact that since said claim was filed the injuries to this claimant have been [illegible] and are more serious than when the claim was presented on June 10, 1943, and this claimant hereby demands the sum of One Thousand ($1,000.00) Dollars as damages to her person by reason of the negligence of the City of Asheville and its employees.

Mary Walker
By: James S. Howell, Attorney at Law

[illegible]

[illegible], regular [illegible], Mayor presiding, and [illegible] present, [illegible] the City Council, regarding the [illegible] service by the Utilities [illegible].

[illegible], Mr. [illegible], Mr. [illegible], Mr. [illegible], [illegible] opposition to the service [illegible] section of the town.

[illegible] Council that the matter [illegible] by Council.

[illegible] further business, the meeting was [illegible].

Glenn Morris
[illegible]

[illegible]

The City Council met in regular session on Tuesday, [illegible], 1943, [illegible] J. Lyons Lee presiding. Present: [illegible] James, City Attorney [illegible], Councilmen [illegible].

[illegible] previous meeting were approved.

[illegible] authorizing the [illegible] July, 1943 the sum of $2,000 was [illegible] and [illegible] unanimously was [illegible] as follows:

[illegible], the appropriation [illegible] 1943-44 has not been [illegible]; and

[illegible], it is necessary [illegible] for the month of July, 1943;

[illegible], [illegible]:

That the City Treasurer be and he is hereby authorized [illegible] use for the operating expenses of the [illegible] for the month of July, 1943, subject to the approval [illegible] Commission at Raleigh, North Carolina, a copy of this [illegible] above mentioned Commission.

I move the adoption of the foregoing [illegible].

C. Frank Brown

[illegible]: [illegible] James

[illegible]

Read, approved and signed, this [illegible] day of July, 1943.

J. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip T. Dodge, Jr.
CORPORATION COUNSEL

[illegible] with W. C. Torian, J. J. Perry, [illegible] concession [illegible] on the Swannanoa River, [illegible] Smith, seconded by Councilman [illegible],

[illegible] CONTRACT WITH W. C. TORIAN TO OPERATE CERTAIN AMUSEMENT DEVICES IN RECREATION PARK;

[illegible] for the City of Asheville to enter into contracts with W. C. Torian, J. J. Perry and L. P. Hudson to operate the devices [illegible] the enjoyment of the patrons of the Recreation Park, and

WHEREAS, it is recommended to the City Council that W. C. Torian be granted a certain contract, and W. J. Perry, [illegible]:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized to enter into contracts with W. C. Torian, J. J. Perry and L. P. Hudson to operate certain amusement devices [illegible], all to be more fully set forth in the contracts hereto and made a part of this resolution.

The foregoing resolution.

Prather Smith
COUNCILMAN

Seconded by: Holmes Erwin
COUNCILMAN

[illegible], this 6 day of July, 1942.

L. Lyndhurst Lee
MAYOR

Glenn Morris
CITY CLERK

[illegible]

[illegible]

[illegible], the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

[illegible] Mayor Lee.

[illegible]

[illegible]

RESOLUTION [illegible] THE MAYOR TO GRANT [illegible] AT THE ASHEVILLE-WEAVERVILLE AIRPORT

[illegible] duly passed as follows:

[illegible] CITY ATTORNEY [illegible]

ALLIOTT

[illegible], the [illegible] land owned by the [illegible] Asheville Airport; and

[illegible], during the [illegible] the [illegible] the [illegible] the [illegible] the [illegible];

[illegible], it is [illegible] for the [illegible]:

[illegible]:

That the Mayor is [illegible] and the [illegible] Asheville-Weaverville Airport [illegible] thereof.

[illegible] the adoption [illegible] the foregoing.

[illegible]

[illegible]

[illegible], on roll call, this [illegible] day, 1942.

[illegible]

[illegible]

[illegible]

APPROVED [illegible]:
[illegible] Sherrill, Jr.

[illegible]

[illegible] was moved that the election of a [illegible] be [illegible] recommendations. [illegible] of patrolmen [illegible], [illegible] be appointed to succeed himself, and [illegible] the [illegible] be [illegible].

[illegible]

[illegible]

Application for a license to operate a [illegible] was [illegible] Mr. Irwin Dorsett, Attorney for Mr. [illegible] petition, [illegible] by unanimous vote of the City Council.

[illegible]

[illegible]

Mr. [illegible] Section, colored, representing a group of colored citizens, [illegible] petition to appoint a colored policeman to serve in the colored section. This was referred to the City Manager.

...al injuries are presented by his Attorney, M. A. ... Counsel.

...R AND CITY COUNCILMEN
...:

...that the undersigned, J. M. Young, through his ... files his claim and demand for reimburse... in the sum of Seventy-six and 25/100 ($76.25) Dollars, ... paid for medical expenses and hospitalization in ... sustained by his infant son, David M. Young, on April 27, ... in the Malvern Hills City Park, the exact location in said ... sustained being at the deep branch ditch at a point just ... growing on the west side of same, and immediately opposite the ... on the east side of said deep branch ditch, the injuries to said ... claimant is informed and believes, when the thin surface ... protruded over the ditch as aforesaid broke or caved in causing ... said unguarded deep ditch bedded with rock, said injuries for which ... being a broken arm, bruises and lacerations and all being ... the negligence of the city of Asheville acting through its vice-principals, ... permitting said dangerous condition to exist on the date of said ... prior thereto.

..., claimant respectfully files his claim and demand for reimbursement ...-six and 25/100 ($76.25) Dollars for medical and hospital treatment ... for it, to pay in the treatment of the aforesaid injuries.

... of July, 1943.

J. M. Young
Claimant

M. A. James
Attorney

...R AND CITY COUNCILMEN
...TLE:

...that the undersigned, David M. Young, infant five years ... by and through his next friend, J. M. Young, and his attorney, M. A. James, ... and files his claim and demand for damages from the City of Asheville by ... personal injuries sustained by him on the 27th day of April, 1943 at about 5:00 ... in the Malvern Hills City Park, located in that part of the City of Asheville known as ... Asheville. That said location in the park where said injuries were sustained being at the ... said branch at a point a few feet above a pine tree growing on the west side of same and ... immediately opposite the lower tennis court located on the East side of said branch ditch, ... said injuries were sustained when the thin surface of the ... protruded over a portion of the deep ditch as aforesaid broke or caved ... causing the claimant to fall into said unguarded ditch bedded with rock.

... the negligence of the City of Asheville through its vice-principals, ... in permitting said deep and dangerous branch ditch to remain open in said ... without fence or wood rail for the protection of children who were invited to ... for said purposes, and who went to said park for said purposes in large numbers, ... the banks of said ditch to become hazzardous by their deceptive surface ..., which had existed for a long period of time prior to April 27, 1943, the ... more and dangerous break of his left arm and bruises and lacerations ... other injuries to his body, and as a result thereof claimant was compelled ... medical and hospital treatment, and will in all probability be compelled to ... medical and hospital treatment and for said injuries claimant hereby files ... of damages for the injuries aforesaid in the sum of Five Thousand ...

... July, 1943.

David M. Young
Claimant

by J. M. Young
His next friend

M. A. James
Attorney for claimant and next friend.

... Attorney, called attention of the City Council to the ditch in Malvern ... dangerous to the children who play there. This was referred to the ... Manager.

... Commissioner Loughran, the meeting was upon motion, adjourned.

Glenn Morris
City Clerk

Glenn Morris

...

...;

...;

...; and

...:

...

...

...

...

...

...

day of July, 1943, by and between
virtue of the laws of the State of
", the ... and JOE L. WILSON, hereinafter called

W I T N E S S E T H :

... and the agreements hereinafter set forth on
... lease and grant unto the lessee, his successors and
... 1st day of July, 1943 the following described real property

... in the County of Buncombe, State of North
... more particularly described as follows:
... known as the Old Abernathy Inn, and located
... Reynolds watershed on the North Fork of the
...

... clay with the mica veins running approximately northeast
...

... lessee, his successors and assigns, for mining
... upon the following conditions:

(1) _____, ... of Reynolds, shall receive one-eighth or twelve and one-half ... per cent of the net profits from said premises.

(2) _____

... receive ten (10%) per cent of the net profits in excess of $[illegible].00 ...

... receive twenty-five (25%) per cent of the net profits in excess ... $[illegible].00 per month.

... receive fifty (50%) per cent of the net profits in excess of $[illegible].00 per month.

... receive sixty (60%) per cent of the net profits in excess of ...

(3) _____ Profits as set out in Section (2) The lessee is permitted to deduct for ... ($[illegible].00) per month for an air compressor and twenty-five ($25.00) Dollars per ... gasoline, hauling, sheeting and trimming. He is further ... road in and to place of operation. He is further ... fuel and premium on liability insurance, but all other expenses ... upon between the parties hereto.

(4) _____ ... permitted to deduct Two Hundred ($200.00) Dollars per month from the ... for ten hours daily for the services of one man, and 50¢ per hour ... four men. If, however, men are not available at the above prices ... settle matters and things by and between themselves.

(5) _____ ... items mentioned in paragraphs three and four of this lease ... profits shall become operative.

(6) _____ ... lessee shall cause to be taken out and carried and kept in full ... Liability policy of Twenty-five Thousand to Fifty Thousand Dollars to ... shall be taken against him.

(7) _____ ... lessee shall have the right of ingress and egress to the mine and ..., that the United States Government grants to the lessor an ... privilege of ingress and egress over its lands and roadways ...

(8) _____ ... right but to further lease said property beyond the term of this ... lease said property again it hereby grants the lessee the right ... lessor might have to make at the expiration of the ...

(9) _____ ... mutually understood and agreed by and between the parties hereto that the ... may be cancelled on ten days notice, and should same be done the lessee for ... shall be refunded from the lessor over the total of Five Hundred Dollars.

(10) _____ ... operating under the said property as set out herein the lessee ... allowed ... orders or regulations among others:

1. ... shall not allow any person to enter upon said property

(a) ... case of typhoid fever
(b) ... sick in bed with dysentery
(c) ... discharge of any nature

... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

(11) _____ ... lessee agrees that he ... [illegible] ... in the interests of the public ... the operation ... [illegible] ... of the property ...

(12) _____ ... lessee hereby agrees that he ... [illegible] ... or other ... [illegible] ... lessee and agrees ... [illegible] ... or else ... [illegible] ...

... [illegible] ... the lessee has caused ... [illegible] ... day and year ... [illegible] ... by order of the ... [illegible] ...

Dave Harris
... [illegible]

... [illegible]:
Philip G. Cocke, Jr.
... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

...and all subsequent taxes, the same is ... Ayers for Lot 20, Chart 8, Card 2, ...

...ing resolution.

C. T. Cairnes
COUNCILMAN

...O FOR BY: C. Fred Brown
COUNCILMAN

..., this 5th day of July, 1943.

I. Lyons Lee
MAYOR

Glenn Morris
City Clerk

...:

...

...

Thursday, August 5, 1943--4:30 P. M.

The ... in regular session Thursday, August 5, 1943, at 4:30 P. M., ... Councilmen C. Fred Brown, Earl W. Tiller, C. T. Cairnes, ... Chief of Police, Jr., City Manager P. L. Burdette, Corporation Counsel ..., Jr.

... read and approved.

...

...by Jesse Nichols for the operation of a Billard Hall to be located ... was held over for investigation and report.

...

... for the City of Asheville for the fiscal year beginning ..., 1943 was upon motion of Councilman Sivelbiac, seconded by Councilman ... unanimously carried:

...FOR THE CITY OF ASHEVILLE
... July 1, 1943 AND ENDING JUNE 30, 1944

..., the City Manager of the City of Asheville presented to the City Council ... budget, 1943, the operating and debt service budget for the City of ... for the fiscal year beginning July 1, 1943 and ending June 30, 1944, and the ... amount to be expended for the operation of the various ... of Asheville and the amount to be expended for debt service as ...:

...ment	$135,673.70
...	15,293.00
...ture	17,310.00
...ic Safety	40,639.46
...	244,893.50
...	24,000.00
...orks	181,746.00
...Playgrounds	45,072.30
...ment	232,000.00
Total operating	937,227.96

...

...pal ...ding Bonds - Series 1	...,775.0
...pal ...ding Bonds - Series 2	...,...0
...ding Bonds	..., ...0
Total	..., ...0
Total Appropriations	1,..., ...0

..., ..., ... IT IS ORDERED BY THE ... OF THE CITY OF ASHEVILLE:

... the budget as presented to the ... by the City Manager ... day of August, 1943, covering the ... Asheville ... service ..., ... of ... above, the total being $1,..., ...0.0, be ... by the ... of the City of Asheville for the ... year ..., ... event that such revenue shall be realized in the ... for the ... service, as set out in his budget, then said ... to the debt service, not however to exceed ...

I move the adoption of the ... resolution.

...
...

...:
...

...
...

...
...

...:
Philip L. Jacks, Jr.
...

...

...

...olution ... or to grant ... of ... Asheville ... recommended ... Councilman ..., ... the following resolution:

...
... L. ...

..., the City ... taxes ... for the ... year 1...; and

..., the General Assembly of North ... of ... tax ... still ... overruled ... from authority to ... the ... of ... taxes, ... of interest and ... cost, ... ; and

..., Helen L. ... has ... quit-claim deed; and

..., the following ... property was ... :

...	...	LOT	...	...	...
4074	Pearl McLuin	...	...	...	...

..., THEREFORE, BE IT ... BY THE ... OF THE CITY OF ASHEVILLE:

"... Mayor of the City of Asheville ... authorized ... to execute quit-claim ... property ... which ... to be turned over to the tax ... of the City of Asheville ... deliver the same to the ... upon payment of the taxes ... and ... listing of the property for taxes for the period in ... was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

...ONDED BY: C. T. CAIRNES
COUNCILMAN

, [illegible] 1, 1943 by [illegible], 1943.

I. Lyons Lee
Mayor

Glenn Morris
City Clerk

[illegible]

[illegible], the meeting was upon motion, adjourned.

I. Lyons Lee

Glenn Morris
City Clerk

[illegible]day, August 12, 1943--4:30 P. M.

[illegible] Council met in regular session Thursday, August 12, 1943 at 4:30 P. M., [illegible] present: Councilmen Earl W. Eller, Britney Smith, O. T. Stamps, [illegible] Action Council Willis C. Cooke, Jr., and Mayor Lee.

The previous meeting were read and approved.

[illegible] further business, the meeting was upon motion, adjourned.

I. Lyons Lee

Glenn Morris
City Clerk

[illegible]

[illegible]

[illegible]

1091.66

300.00

130.50

$ [illegible]

[illegible].00 per month

[illegible] Hall, Hotel, Auditorium Corporation during the [illegible] and further [illegible].

[illegible] of [illegible] Hall and Grand, Theatre, [illegible] of [illegible] aforementioned; provided, [illegible] Hall [illegible] public hall to be used [illegible],

[illegible].00 per month.

[illegible] has caused these presents to be [illegible] Mayor, and its corporate seal to be hereunto affixed [illegible]; and the City of Asheville has caused these presents to be [illegible] and its corporate seal to be hereunto affixed by the City Council.

[illegible] BUNCOMBE

By J. A. Richburg

[illegible]

[illegible] OF ASHEVILLE

By L. Lyons Lee
Mayor

[illegible] property owners of Bennett Street, requesting that the [illegible] was presented to the Council by Attorney Jones [illegible] Mayor.

[illegible] their annual donation to the Colored Agricultural [illegible] Fair. This request was referred to the City Manager.

[illegible] upon motion, adjourned.

Glenn Morris
City Clerk

[illegible] residents of [illegible], [illegible] Walker and [illegible], [illegible].

Glenn Morris

[illegible]

[illegible]

[illegible]

[illegible] Book 70

[illegible] Lynch tax foreclosure proceedings certified [illegible] under [illegible]; and

[illegible] assembly of [illegible] at its 1935 session [illegible] which [illegible] title to any [illegible] to purchase at the original owner could [illegible] upon [illegible] interest and [illegible] costs, without [illegible]; and

[illegible] Turtles and wife, Margaret T. Turtles have offered [illegible] property hereinafter described; and

[illegible] property was sold at private sale:

[illegible]	LOT	BLOCK	[illegible]
[illegible] 415, 417	1	4	Cecil T. [illegible] & wife Margaret [illegible]

[illegible] CITY OF

[illegible] while [illegible] duly authorized [illegible] to the property listed [illegible], as above [illegible] to the tax collector [illegible] duly of [illegible] the [illegible] payment of the taxes above [illegible] the property for taxes for the period in which [illegible].

[illegible] foregoing resolution.

C. A. Starnes
MAYOR

ATTEST: J. L. Divelbiss, Jr.
ASST. CITY CLERK

[illegible], This 2 dat of September, 1937.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

[illegible]
ATTY.

[illegible] by overflow of water [illegible] County Home Road [illegible] Asheville, [illegible] Bar for Mr. and Mrs. [illegible]. This claim was [illegible] Council.

ORDER [illegible]

[illegible] CITY OF ASHEVILLE, N. C.

[illegible] notice that the undersigned, Gordon V. Reid and wife, [illegible] Asheville, North Carolina, by and through their attorney [illegible], hereby claim and demand damages of the City of [illegible] to their growing crops of potatoes, corn, and [illegible] the last of June, 1937, due to the fact that flood water [illegible] sediments on the County Home Road at the end of Druid Drive, [illegible], so that said growing crops were practically destroyed to the [illegible] the undersigned as follows:

[illegible] Potato Crop - - -	$150.00	
[illegible] to Corn Crop - - -	25.00	
[illegible] Bean Crop - - - -	12.50	$187.50

[illegible]

[illegible]

[illegible]

[illegible], September [illegible], 1943--4:30 P. M.

[illegible] The City Council was held [illegible] above date.

Glenn Morris
City Clerk

[illegible], September 17, 1943--4:30 P. M.

[illegible] Asheville, North Carolina, September 17, 1943 at 4:30 P. M., with [illegible] Mayor [illegible] presiding. Present: [illegible] Councilmen [illegible] Bryson, O. E. Starnes, [illegible] Eller, [illegible] Manager [illegible] Burdette, [illegible] Counsel [illegible].

[illegible] were read and approved.

[illegible] Carters, filed petition [illegible] alley [illegible] Market Street, parallel with [illegible] Walnut Street, a distance of approximately [illegible] feet on the northeast corner of [illegible] section let, [illegible] by [illegible] unused for use, [illegible] and [illegible] by the property owners on [illegible] Market Street, from East [illegible] to [illegible]; and

WHEREAS, the City Council [illegible] the petition of [illegible] alley and [illegible]; and

WHEREAS, said alley [illegible] be put to unusual [illegible] and [illegible] the City of Asheville will [illegible]; and

WHEREAS, [illegible] property [illegible] sell;

NOW, THEREFORE, [illegible] undersigned do hereby respectfully request the Council of [illegible] to authorize the closing of said alley.

[illegible], 1943.

[illegible] Moore
[illegible] Miller
[illegible] Bassett
[illegible] Dorsey

[illegible] quit-claim deed to County of Buncombe as upon [illegible] Councilman [illegible] Starnes, unanimously passed as follows:

[illegible] QUIT-CLAIM DEED TO

WHEREAS, [illegible] Board for Buncombe County acquired title [illegible] liquidation of collateral security which [illegible] County of Buncombe, or both; and

WHEREAS, [illegible] General Assembly of North Carolina the Board of [illegible] all the property owned or held by said Board was [illegible] the County of Buncombe as their interest may [illegible]; and

WHEREAS, [illegible] interest in Lots 195 and 197, Sheet [illegible] title to this property is become necessary [illegible] quit-claim deed to County of Buncombe;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That [illegible] authorized to execute quit-claim deed to [illegible] 117, Sheet 22, Haverdam.

[illegible] foregoing resolution.

[illegible]

L. Lyons Lee

Glenn Morris

L. Lyons Lee

Glenn Morris

Thursday, September 30, 1943--4:30 P. M.

The City Council met in regular session Thursday, Sept. 30, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, Earl W. Eller, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

E. MARKET ST. ALLEY

The City Manager reported that Mr. Narvel J. Crawford, Attorney, who presented petition by property owners requesting that alleyway on the east side of Market Street be closed, had asked that the petition be withdrawn for the present.

SALE OF PROPERTY RESOLUTION

Resolution authorizing the City Manager to advertise certain property for sale, was upon motion of Councilman Eller, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN PROPERTY FOR SALE

WHEREAS, the City Council of the City of Asheville has certain offers on Lots 149, 150, 151, 152, 153 and 50½, Sheet 2, Ward 2, and Lots 51½, 52, 53, 53½, 54, 55, 56, 57, 58, Sheet 2, Ward 6, and Lots 1 and 2, Sheet, Ward 6; and

WHEREAS, the City Council of the City of Asheville deems it advisable to sell said property at auction to the last and highest bidder:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise said property for sale according to law.

I move the adoption of the foregoing resolution.

E. W. Eller
Councilman

Seconded by: O. E. Starnes
Councilman

Read, approved and adopted, this 30 day of September, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Approved as to Form:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

Resolution authorizing Mayor to execute quit-claim deeds to L. H. Bryan and Wife, Katherine Bryan; F. W. Thomas and wife, Helen J. Thomas; and George W. Craig was upon motion of Councilman Starnes, seconded by Councilman Eller, unanimously passed as follows:

RESOLUTION

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS TO L. H. BRYAN AND WIFE KATHERINE BRYAN; F. W. THOMAS AND WIFE, HELEN J. THOMAS; AND GEORGE W. CRAIG

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, L. H. Bryan and wife, Katherine Bryan, having obtained quit-claim deed from the County of Buncombe for the property hereinafter described; and F. W. Thomas is the original owner of Lot 145, Sheet 5, Ward 6, and has obtained title to Lot 144, Sheet 5, Ward 6; and George W. Craig has obtained title to Lots 66 and 67, Sheet 15, Ward 3; and

WHEREAS, the following property was sold at private sale:

CERTIFICATES	ORIGINAL OWNERS	LOTS	SHEETS	WARDS	MAKE DEED TO
5839	Roy W. Gregory	81	7	3	L. H. Bryan and wife, Katherine Bryan
2732	F. W. Thomas	145	5	6	F. W. Thomas and wife, Helen J. Thomas
2448	Emanuel Felder	144	5	6	F. W. Thomas and wife, Helen J. Thomas
5942	S. M. Stevens	66, 67	15	3	George W. Craig

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: E. W. Eller
COUNCILMAN

Read, approved and adopted, this 30 day of Sept. 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, Oct. 7, 1943--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, October 14, 1943--4:30 P. M.

The City Council met in regular session Thursday, October 14, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, Earl W. Eller, O. E. Starnes, Bretney Smith, City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, October 21, 1943--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, October 28, 1943--4:30 P. M.

Thursday, October 28, 1943--4:30 P. M.

The City Council met in regular session Thursday, October 28, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Bretney Smith, O. E. Starnes, Earl W. Eller, C. Fred Brown, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

[illegible]

Resolution authorizing City Manager to execute lease with General Outdoor Advertising Company was upon motion of Councilman Eller, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE LEASE WITH GENERAL OUTDOOR ADVERTISING COMPANY

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place a certain sign board on a certain lot designated in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

E. W. Eller
Councilman

Seconded by: O. E. Starnes
Councilman

Read, approved and adopted this 28 day of October, 1943.

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

[illegible]

Resolution authorizing Mayor to execute lease with W. F. Caldwell for property owned by the City of Asheville was upon motion of Councilman Smith, seconded by Councilman Divelbiss, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE WITH W. F. CALDWELL FOR PROPERTY OWNED BY THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has received an offer from one W. F. Caldwell to lease the Pearson tract of land from the city for certain consideration; and

WHEREAS, the City of Asheville deems it advisable to lease this land for a period of one year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to enter into a lease for one year with W. F. Caldwell for the land owned by the City of Asheville and described in the lease attached hereto, said lease being made a part of this resolution.

I move the adoption of the foregoing resolution.

Bretney Smith
COUNCILMAN

SECONDED BY. J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 28 day of October, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.,
CORPORATION COUNSEL

[illegible]

Resolution authorizing the City Manager to advertise certain property for sale was upon motion of Councilman Starnes, seconded by Councilman Brown, unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN PROPERTY FOR SALE

WHEREAS, the City Council of the City of Asheville has certain offers on Lots 22 through 28, Sheet 5, Ward 5; and

WHEREAS, the City Council of the City of Asheville deems it advisable to sell said property at auction to the last and highest bidder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise said property for sale according to law.

I move the adoption of the foregoing resolution.

O. E. Starnes
Councilman

SECONDED BY: C. Fred Brown
Councilman

Read, approved and adopted, this 28 day of October, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

[illegible]

Resolution authorizing Mayor to execute quit-claim deed to Kitty B. Byrd, Trustee, was upon motion of Councilman Divelbiss, seconded by Councilman Smith, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO KITTY B. BYRD, TRUSTEE

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, Kitty B. Byrd is the widow of Thomas R. Byrd, the original owner of the property hereinafter described; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	WARD	MAKE DEED TO
3118	Thomas R. Byrd	96, 97, 98, 99, 100	8	4	Kitty B. Byrd, Trustee

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: BRETNEY SMITH
COUNCILMAN

Read, approved and adopted, this 28 day of Oct., 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

[illegible]

Ordinance No. 291, entitled "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1943-1944" was upon motion of Councilman Brown, seconded by Councilman Starnes, unanimously passed on its first reading with the following vote -

Councilman Smith voted "aye", Councilman Starnes voted "aye",
Councilman Eller voted "aye", Councilman Divelbiss voted "aye"
Councilman Brown voted "aye" and Mayor Lee voted "aye"

[illegible]

Mr. Harvey R. Dickens and Mr. W. B. Cathey presented a petition signed by property owners along Alleyway between 84 Nevada and Nebraska Ave. requesting that alleyway be closed. This was referred to the City Manager.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, November 4, 1943--4:30 P. M.

The City Council met in regular session Thursday, November 4, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Bretney Smith, O. E. Starnes, Earl W. Eller, C. Fred Brown, Holmes Bryson, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Ordinance No. 291, entitled "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1943-1944" was put on its second reading with the following vote:

Councilman Smith voted "aye", Councilman Starnes voted "aye"
Councilman Eller voted "aye", Councilman Divelbiss voted "aye"
Councilman Brown voted "aye", Councilman Bryson Voted "aye"
and Mayor Lee voted "aye"

Resolution authorizing the Mayor to execute quit-claim deed to County Buncombe was upon motion of Councilman Starnes, seconded by Councilman Divelbiss, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO COUNTY OF BUNCOMBE

WHEREAS, the Board of Financial Control for Buncombe County acquired title to a number of pieces of property through liquidation of collateral security which belonged to the City of Asheville or the County of Buncombe, or both: and

WHEREAS, by an act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or held by said Board was transferred to the City of Asheville and the County of Buncombe as their interest may appear; and

WHEREAS, the City of Asheville has no interest in the following properties: 36 Oak Street, 38 Oak Street, 36 Woodrow Avenue, 9 Montford Avenue, 23 Central Avenue and 106 Mount Clare Avenue, and in order to clear the title to this property it becomes necessary for the City of Asheville to execute quit-claim deed to County of Buncombe.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized to execute quit-claim deed to County of Buncombe for the property herein described.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 4th day of November, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing Mayor to execute quit-claim deed to Joseph Selby was upon motion of Councilman Bryson, seconded by Councilman Eller, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO JOSEPH SELBY

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, Joseph Selby has obtained title to the property hereinafter described; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	WARD	MAKE DEED TO
512	J. H. Morris and wife, Ruth L. Morris	76	8	2	Joseph Selby

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: E. W. Eller
COUNCILMAN

Read, approved and adopted, this 4th day of November, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution appointing William Redwood as Commissioner Number Two of the Sinking Fund Commission for Buncombe County was upon motion of Councilman Brown, seconded by Councilman Smith, unanimously passed as follows:

RESOLUTION APPOINTING WILLIAM REDWOOD AS COMMISSIONER NUMBER TWO OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY

WHEREAS, Chapter 4 of the Public-Local and Private Laws of 1937 sets up a Sinking Fund Commission for Buncombe County and certain bodies politic and municipal corporation therein, and defines the duties and powers of said Sinking Fund Commission; and

WHEREAS, Section 2 of said chapter mentioned above names the terms of the original members of said Sinking Fund Commission; and

WHEREAS, Commissioner Number Two is William Redwood of the City of Asheville; and

WHEREAS, Commissioner Number Two shall be appointed by the governing body of the City of Asheville the power to appoint Number Two and Four when their terms of office expire for a period of five years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That William Redwood of the City of Asheville be and he is hereby appointed as Commissioner Number Two of the Sinking Fund Commission for Buncombe County for a period of five years from the date of the expiration of said office, as set out

in Chapter 4 of the Public-Local and Private Laws of 1937.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: Bretney Smith
COUNCILMAN

Read, approved and adopted, this 4 day of November, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, November 11, 1943--4:30 P. M.

The City Council met in regular session Thursday, November 11, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Bretney Smith, O. E. Starnes, Earl W. Eller, C. Fred Brown, Holmes Bryson, Vice-Mayor J. E. Divelbiss, Jr., Corporation Counsel Philip C. Cocke, Jr., City Manager P. M. Burdette, and Mayor Lee.

Ordinance No. 291, entitled, "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1943-1944" was put upon its third and final reading with the following vote:

Councilman Smith voted "aye", Councilman Starnes voted "aye"
Councilman Eller voted "aye", Councilman Divelbiss voted "aye"
Councilman Brown voted "aye", Councilman Bryson voted "aye"
and Mayor Lee voted "aye"

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1943-1944

WHEREAS, on the 5th day of August, 1943 the City Council of the City of Asheville adopted an operating budget in the amount of $937,227.96 with a debt service of $593,496.00 making a total appropriation of $1,530,723.96;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following operating budget is hereby adopted and the amounts indicated herein appropriated for the operation of the different departments of the City of Asheville for the fiscal year beginning July 1, 1943 and ending June 30, 1944, inclusive:

(a)	General Government	$ 135,673.70
(b)	Law	15,893.00
(c)	Finance	17,310.00
(d)	Public Welfare	40,639.46
(e)	Public Safety	244,893.50
(f)	Libraries	24,000.00
(h)	Public Works	181,746.00
(i)	Parks and Playgrounds	45,072.30
(l)	Water Department	232,000.00
	Total operating	937,227.96

Debt Service

Principal and Interest

General Refunding Bonds - Series 1	381,776.00
General Refunding Bonds - Series 2	11,720.00
Water Refunding Bonds	200,000.00
Total	593,496.00
Total Appropriations	1,530,723.96

Section 2. That a tax rate of $1.53 per $100.00 valuation upon all property of every nature within the corporate limits of the City of Asheville 81.4 per $100.00 valuation for operating expenses, and 71.6 per $100.00 valuation for debt service) be and the same is hereby levied, and ordered to be collected in accordance with law for the fiscal year 1943-44 as aforesaid.

Section 3. That the Director of Finance of the City of Asheville is hereby authorized to make the expenditures for the operation of the departments of the City of Asheville and debt service in accordance with the budget adopted and approved as aforesaid.

Section 4. If and in the event more net revenue shall be realized in the Water Department than has been allocated for debt service, as set out in this budget, then such additional net revenue is hereby allocated to the debt service, not however to exceed twenty-five thousand dollars.

I move the adoption of the foregoing ordinance, this 28 day of Oct, 1943.

C. Fred Brown
Councilman

Seconded by: O. E. Starnes
Councilman

Read, approved and adopted, this 11 day of Nov. 1943, to become effective 28 day of November, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing the Mayor to execute deed to Rosella F. Haynes was upon motion of Councilman Starnes, seconded by Councilman Brown, unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEED TO ROSELLA F. HAYNES

WHEREAS, a resolution passed on the 30th day of September, 1943, by the City Council of the City of Asheville authorized the City Manager to sell to the highest bidder at the Court House door, after legal advertisement, Lots 149, 150 151, 152, 153 and 50½, Sheet 2, Ward 2; and

WHEREAS, at the sale held on the 1st day of November, 1943 Rosella F. Haynes became the last and highest bidder in the amount of $550.00 for said lots; and

WHEREAS, ten days have elapsed, and the said bid is hereby accepted by the City Council of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a deed, attested by the City Clerk, to Rosella F. Haynes for Lots 149, 150, 151, 152, 153 and 50½, Sheet 2, Ward 2.

I move the adoption of the foregoing resolution.

O. E. Starnes
Councilman

Seconded by: C. Fred Brown
Councilman

Read, approved and adopted, this 11 day of November, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing Mayor to execute quit-claim deed to Eugene Schocket was upon motion of Councilman Divelbiss, seconded by Councilman Smith, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO EUGENE SCHOCKET

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, Eugene Schocket has obtained title to the property hereinafter described; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	WARD	MAKE DEED TO
5517 (1927) 148 (1928)	Emily Letchenfels Jennie B. Schocket and husband	218	1	1	Eugene Schockett

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: Bretney Smith
COUNCILMAN

Read, approved and adopted, this 11 day of November, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor L. Lyons Lee

Glenn Morris
City Clerk

Thursday, November 18, 1943-- 4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

Mayor L. Lyons Lee

Glenn Morris
City Clerk

Wednesday, November 24, 1943--4:30 P. M.

The City Council met in regular session Wednesday, November 24, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, Bretney Smith, O. E. Starnes, City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

Mayor L. Lyons Lee

Glenn Morris
~~Acting~~ City Clerk

Thursday, December 2, 1943--4:30 P. M.

The City Council met in regular session Thursday, December 2, 1943 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, Earl W. Eller, O. E. Starnes, Bretney Smith, Vice-Mayor J. E. Divelbiss, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

[illegible] OF EXAMINERS
[illegible] OPERATORS

Resolution appointing Board of Examiners of Motion Picture Operators was upon motion of Councilman Divelbiss, seconded by Councilman Smith, unanimously passed as follows:

RESOLUTION APPOINTING BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS

WHEREAS, Ordinance #254, being the Electrical Ordinance of the City of Asheville, creates a Board of Examiners of motion picture operators consisting of two motion picture operators appointed by the City Council; and

WHEREAS, the motion picture operators constituting this board have now moved to Jacksonville, Florida;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That H. J. Cunningham and H. H. Bowen are hereby appointed to serve on the Board of Examiners of Motion Picture Operators for a period of two years.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: Bretney Smith
COUNCILMAN

Read, approved and adopted, this 2 day of December, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Corporation Counsel
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor L. Lyons Lee

Glenn Morris
City Clerk

December 9, 1943--4:30 P. M.

The City Council met in regular session Thursday, December 9, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, Earl W. Eller, O. E. Starnes, Bretney Smith and Mayor Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

December 16, 1943--4:30 P. M.

The City Council met in regular session Thursday, December 16, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, Earl W. Eller, O. E. Starnes, City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

Resolution authorizing the issuance of Tax Antivipation notes of the City of Asheville in the sum not exceeding $215,000.00 was upon motion of Councilman Starnes, seconded by Councilman Brown, unanimously passed as follows:

RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE CITY OF ASHEVILLE IN THE SUM NOT EXCEEDING $215,000.00

WHEREAS, by Section 2932 of the Consolidated Statutes of the State of North Carolina the City of Asheville is authorized and empowered to borrow money for the purpose of meeting appropriations made for the current fiscal year in anticipation of the collection of the taxes and revenue of such fiscal year, and within the amount of such appropriation; and

WHEREAS, it is now necessary that the City of Asheville shall borrow Two Hundred and Fifteen Thousand Dollars to meet appropriations made for the current fiscal year; and

WHEREAS, funds are now available for loans to the City of Asheville in the Revolving Fund under supervision of the Sinking Fund Commission for Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

1. Subject to approval by the Local Government Commission of North Carolina and in accordance with the provisions of the Municipal Finance Act and the Local Government act and other statutes applicable in the premises, the City of Asheville forthwith issue negotiable Tax Anticipation Notes in the total sum of Two Hundred and Fifteen Thousand Dollars as follows: Four notes in the sum of Fifteen Thousand Dollars each and one note in the sum of Fifteen Thousand Dollars; that such notes shall mature not later than October 10, 1944; and shall bear interest payable at maturity at a rate not in excess of three per cent.

2. That the Mayor and City Clerk be jointly authorized to fix the rate of interest within the limitations herein prescribed; and to fix the form of the said notes; and to sign the said notes and affix thereto the corporate seal of the City of Asheville, and to dispose of the said notes in accordance with law.

3. That the said notes shall be approved by the Corporation Counsel for the City of Asheville and his written approval indorsed thereon before issue.

BE IT FURTHER RESOLVED that the full faith and credit of the City of Asheville be and they are hereby pledged for the punctual payment of the principal of and interest on this note in accordance with its terms.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adoptes, this 16 day of December, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
COMPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, December 23, 1943--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

Mayor

Glenn Morris
City Clerk

Thursday, December 30, 1943--4:30 P. M.

The City Council met in regular session Thursday, December 30, 1943, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Council Bretney Smith, O. E. Starnes, Earl W. Eller, C. Fred Brown. Holmes Bryson, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr. and Mayor Lee.

Minutes of the previous meeting were read and approved.

KENILWORTH PARK PROPERTY
RESOLUTION

Resolution accepting certain property in former Town of Kenilworth, Now City of Asheville, from the Kenilworth Community and Garden Club was upon motion of Councilman Starnes, seconded by Councilman Bryson, unanimously adopted as follows:

RESOLUTION ACCEPTING CERTAIN PROPERTY IN FORMER TOWN OF KENILWORTH, NOW CITY OF ASHEVILLE, FROM THE KENILWORTH COMMUNITY AND GARDEN CLUB

WHEREAS, Roland A. Wilson and wife, Martha W. Wilson, of the County of Hillsborough, State pf Florida, have sold to the Kenilworth Community and Garden Club certain property located in the City of Asheville, formerly Town of Kenilworth; and

WHEREAS, the Kenilworth Community and Garden Club wishes for the City of Asheville to have this property and use it as said City sees fit; and

WHEREAS, Roland A. Wilson and wife, Martha W. Wilson, have executed a deed to the City of Asheville for said property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville hereby accepts said property for all intents and purposes as set out in said deed made 29th day of November, 1943 by and between Roland A. Wilson and wife, Martha W. Wilson, to the City of Asheville, said deed to be made a part of this resolution.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and instructed to have said deed recorded in the office of the Register of Deeds for Buncombe County, North Carolina.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: Holmes Bryson
COUNCILMAN

Read, approved and adopted, this 30th day of December, 1943.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing Mayor to execute quit-claim deed to R. T. Smathers and wife Bonnie Smathers was upon motion of Councilman Eller, seconded by Councilman Smith, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO R. T. SMATHERS AND WIFE, BONNIE SMATHERS

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, R. T. Smathers and wife, Bonnie Smathers have obtained title to the property hereinafter described; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	WARD	MAKE DEED TO
2043	A. T. Davis	19	12	5	R. T. Smathers and wife, Bonnie Smathers

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

E. W. Eller
COUNCILMAN

SECONDED BY: Bretney Smith
COUNCILMAN

Read, approved and adopted, this 30 day of Dec. 1943

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing the Mayor to execute a supplemental agreement to lease W 2287 eng 15856 in the Name of the City of Asheville with the United States of America was upon motion of Councilman Divelbiss, seconded by Councilman Bryson, unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT TO LEASE W 2287 eng 15856 IN THE NAME OF THE CITY OF ASHEVILLE WITH THE UNITED STATES OF AMERICA

WHEREAS, on the 2nd day of December, 1943, Supplemental Agreement W 2287 eng 15856 was entered into by and betweem the City of Asheville, a municipal corporation, Asheville, North Carolina, hereinafter referred to as lessor, and the United States of America, hereinafter referred to as the Government, covering building known as the City building of Asheville, having 59,104 net square feet of office space and 4,417 square feet of storage space, a total of 63,521 square feet, in Asheville, North Carolina, for the period April 27, 1943, to June 30, 1943, renewable to six months after termination of the present unlimited National Emergency, at a rental of $5,109.33 per month, and present unlimited National Emergency, at a rental of $5,109.33 per month, and

WHEREAS, the Supplemental Agreement has been duly renewed for the fiscal year ending June 30, 1944, and

WHEREAS, paragraph 6a of the Supplemental Agreement provides that the lessor shall furnish lights, power, heating, hot and cold water, watchman, janitor and elevator service on the basis of eight hours per day, seven days per week, and

WHEREAS, operation by the Government now required the furnished by the lessor of lights and heat to the first and sixth floors of the premises on twenty-four hours, seven days per week, basis, and

WHEREAS, the lessor is agreeable to furnishing the additional lights and heat to the first and sixth floors, twenty-four hours per day, seven days per week, for and increase in the rental consideration in the amount of $480.00 per month during the heating season and $200.00 per month for other periods, which amount is considered just and reasonable and not in excess of the prevailing rate for these services.

WHEREAS, the governing body of the City of Asheville deems it expedient, necessary, wise, and to the best interests of the people of the City of Asheville to enter into Supplemental Agreement:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized, instructed and empowered to execute a Supplemental Agreement by and between the City of Asheville, North Carolina, a municipal corporation organized and existing under and by virtue of the laws of the State of North Carolina and the United States of America, said Supplemental Agreement being made a part of this resolution and being attached hereto, and it is further ordered and authorized that the City Clerk be and she is hereby instructed to affix the corporate seal of the City of Asheville to said Supplemental Agreement mentioned above.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: HOLMES BRYSON
COUNCILMAN

Read, approved and adopted, this 2nd day of December, 1943.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

Thursday, January 6, 1944--4:30 P. M.

The City Council met in regular session Thursday, January 6, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, E. W. Eller, O. E. Starnes, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Resolution authorizing the Mayor to execute quit-claim deed to County of Buncombe was upon motion of Councilman Starnes, seconded by Councilman Smith, unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED TO COUNTY OF BUNCOMBE

WHEREAS, the County of Buncombe has received an offer for lots 84, 85 and 86, Sheet 3, as same appears on the tax maps of Upper Hominy Township; and

WHEREAS, the City of Asheville is owner of a 19/112ths interest in said property; and

WHEREAS, the City of Asheville is desirous of conveying its interest in said property to the County of Buncombe upon the payment of its proportionate part of the purchase price of $100.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a quit-claim deed, attested by the City Clerk, to the County of Buncombe, for the City's interest in the above property.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: Bretney Smith
COUNCILMAN

Read, approved and adopted, this 6 day of January, 1944.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing the Mayor to execute lease with the United States Government for the property known as the Asheville-Hendersonville Airport was upon motion of Councilman Eller, seconded by Councilman Divelbiss, unanimously passed as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE WITH THE UNITED STATES GOVERNMENT FOR THE PROPERTY KNOWN AS THE ASHEVILLE-HENDERSONVILLE AIRPORT

WHEREAS, the United States Government has deemed it advisable to secure the acreage of land owned by the City of Asheville and known as the Asheville-Hendersonville Airport; and

WHEREAS, during the emergency now confronting the people of the United States and its government the United States Government has offered the City of Asheville the sum of One Dollar per year for the lease of said property mentioned herein; and

WHEREAS, it becomes necessary for the United States Government to secure lease for said property for the duration of the war and six months thereafter, extendable until June 30, 1968 with consent of the Civil Aeronautics Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized and directed to execute a lease with the United States Government, or its duly constituted representatives, for the land known as the Asheville-Hendersonville Airport for the duration of the war and six months thereafter, extendable until June 30, 1968 with consent of the Civil Aeronautics Authority.

I move the adoption of the foregoing resolution.

E. W. Eller
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 6 day of January, 1944.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor

City Clerk

Thursday, January 13, 1944--4:30 P. M.

The City Council met in regular session Thursday, January 13, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, E. W. Eller, O. E. Starnes, Holmes Bryson, Bretney Smith, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

FRANK B. BRANK CLAIM

Claim of Frank B. Brank for personal injuries was presented by his attorneys, George F. Meadows and Cecil C. Jackson, which claim was referred to the Corporation Counsel.

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE,

To the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned Frank B. Brank, of Asheville, Buncombe County, North Carolina, by and through George F. Meadows and Cecil C. Jackson, his attorneys, pursuant to the City Charter of the City of Asheville, hereby claims and demands damages of the City of Asheville as the result of personal injuries sustained by him on the 10th day of August, 1943, on Haywood Road, West Asheville, in said City, as follows:

> Being struck and injured by an auxiliary policeman, Neal Grissom, who was under the supervision and direction of Officials of the City of Asheville at the time he run into claimant and broke both legs and right arm and otherwise seriously and permanently injuring claimant with an automobile, while claimant was crossing Haywood Road and in a place where he had a right to be.

That as a result of said injuries the claimant was in the Mission Hospital from 10th August, 1943, to 19th November, 1943, incurring approximately fifteen hundred dollars worth of doctor and hospital bills.

That the injuries and damages to the plaintiff was brought about by the negligence of the City of Asheville and its Officials; and, that as a consequence of the negligence of said City of Asheville, said City has greatly damaged the undersigned claimant, temporarily destroyed his earning power, caused him to incur expenses for medical attention, great inconvenience, pain and suffering, in the sum of $25,000.00.

The undersigned claimant, therefore, respectfully presents his claim for said amount, through his counsel, and respectfully requests payment of same.

George F. Meadows, and

Cecil C. Jackson
Attorneys for Claimant.

State of North Carolina,
County of Buncombe,

FRANK B. BRANK, being duly sworn deposes and says:

That he is the claimant in the foregoing claim; that he has read the foregoing claim and knows the contents thereof to be true of his own knowledge, except for those matters and things therein set forth upon information and belief and as to those matters and things he verily believes it to be true.

Frank B. Brank

Sworn to and subscribed before me this the 6 day of January, 1944.

J. D. Moore
Notary Public

My Commission Expires:

Jan. 9, 1945

Seal

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, January 20, 1944--4:30 P. M.

The City Council met in regular session Thursday, January 20, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, E. W. Eller, O. E. Starnes, Holmes Bryson, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

[redacted]

BE IT REMEMBERED: That the Board of Commissioners of Buncombe County and the Council of the City of Asheville met in joint session, January 20, 1944, when and where the following orders respecting the joint City and County Domestic Relations Court were unanimously adopted:

1. Under the provisions of Section 2, Chapter 470, 1943 Session Laws of North Carolina, M. A. James was appointed substitute judge of the Domestic Relations Court.

2. The compensation of the substitute judge was fixed at $10.00, for each day he shall serve during the absence, illness or other temporary disability of the regular judge, provided that the number of days for which compensation will be paid the substitute judge in any fiscal year is limited to 14.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
Acting City Clerk

Thursday, January 27, 1944--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

Mayor

Glenn Morris
City Clerk

Thursday, February 3, 1944--4:30 P. M.

The City Council met in regular session Thursday, February 3, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, E. W. Eller, O. E. Starnes, Bretney Smith, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

[redacted]

Resolution authorizing Mayor to execute quit-claim deed to M. B. Blomberg was upon motion of Councilman Smith, seconded by Councilman Eller, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO M. B. BLOMBERG

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the County of Buncombe has executed a deed to M. B. Blomberg for the property hereinafter described; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	WARD	MAKE DEED TO
246	John Todd	200	1	1	M. B. Blomberg

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Bretney Smith
COUNCILMAN

SECONDED BY: E. W. Eller
COUNCILMAN

Read, approved and adopted, this 3rd day of February, 1944.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

[redacted]

Resolution authorizing Mayor to execute quit-claim deed to Carlos Pelaez, Sr., and wife, Margarita Pelaez, was upon motion of Councilman Brown, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO CARLOS PELAEZ, SR., AND WIFE, MARGARITA PELAEZ

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, Carlos Pelaez, Sr., and wife, Margarita Pelaez, have obtained title to the property hereinafter described; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	WARD	MAKE DEED TO
1379	J. C. Patterson	131½, 133, 133½, 134	8	4	Carlos Pelaez, Sr., and wife, Margarita Pelaez

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 3rd day of February, 1944.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion, adjourned.

Mayor

~~Acting~~ City Clerk

Thursday, February 10, 1944--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

Mayor

~~Acting~~ City Clerk

Thursday, February 17, 1944--4:30 P. M.

The City Council met in regular session Thursday, February 17, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, E. W. Eller, O. E. Starnes, Bretney Smith, City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

Mayor

~~Acting~~ City Clerk

Thursday, February 24, 1944--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

Mayor

City Clerk

Thursday, March 2, 1944 --4:30 P. M.

The City Council met in regular session Thursday, March 2, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, O. E. Starnes, Earl W. Eller, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cooke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion, adjourned.

Mayor

City Clerk

Thursday, March 9, 1944--4:30 P. M.

The City Council met in regular session Thursday, March 9, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, Earl W. Eller, O. E. Starnes, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr. Corporation Counsel Philip C. Cooke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

ORDINANCE REGULATING KEEPING OF CHICKENS

Ordinance No. 292, entitled, "AN ORDINANCE REGULATING THE KEEPING OF CHICKENS IN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE CONTROL THEREOF" was put on its first reading with the following votes:

Councilman Bryson voted "aye", Councilman Brown voted "aye", Councilman Divelbiss voted "aye", Councilman Eller voted "aye", Councilman Starnes voted "aye" Councilman Smith voted "aye" and Mayor Lee voted "aye".

There being no further business, the meeting was upon motion, adjourned.

Mayor

City Clerk

Thursday, March 16, 1944--4:30 P. M.

The City Council met in regular session Thursday, March 16, 1944 at 4:30 P. M., with Mayor Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, Earl W. Eller, O. E. Starnes, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

RELEASE DEED TO H. L. McFARLAND

Resolution authorizing Mayor to execute release deed to H. L. McFarland was upon motion of Councilman Starnes, seconded by Councilman Smith, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE RELEASE DEED TO H. L. MCFARLAND

WHEREAS, George Self and wife, Hattie Self, executed and delivered a deed of trust to R. E. Shuford, Trustee, for the Board of Financial Control of Buncombe County, North Carolina, dated September 30, 1933, and recorded in the office of the Register of Deeds for Buncombe County in deed of trust book 329 at page 45; and

WHEREAS, the notes secured by said deed of trust have been fully satisfied, and said deed of trust should be cancelled of record; and

WHEREAS, the said Board of Financial Control has been duly abolished and all the assets thereof became the property of said City of Asheville and Buncombe County, including any and all rights in and to said notes and deed of trust; that said notes and/or said deed of trust were never endorsed, sold or transferred by said Board of Financial Control, City of Asheville or Buncombe County; and

WHEREAS, the title to the said lands described in said deed of trust now vests in said H. L. McFarland, and the City of Asheville is desirous of releasing said lands from the lien of said deed of trust;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized to execute release deed to H. L. McFarland for the property described in the deed of trust herein referred to.

I move the adoption of the foregoing resolution.

O. E. Starnes
Councilman

Seconded by: Bretney Smith
Councilman

Read, approved and adopted, this 17 day of March, 1944.

L. Lyons Lee
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL

Resolution authorizing City Manager to execute lease with General Outdoor Advertising Company, was upon motion of Countilman Brown, seconded by Councilmen Eller, unanimously passed as follows:

RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE LEASE WITH GENERAL OUTDOOR ADVERTISING COMPANY

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place a certain sign board on a certain lot designated in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

Seconded by: E. W. Eller
COUNCILMAN

Read, approved and adopted, this 17 day of March, 1944.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Notice of claim for damages for personal injury to David Eugene Tallent, was filed by his Attorney, Burgin Pennell, and was referred to the City Manager and Corporation Counsel as follows:

STATE OF NORTH CAROLINA)
)
COUNTY OF BUNCOMBE)
)
DAVID EUGENE TALLENT,)
By his next friend,)
DAVID L. TALLENT,)
)
Plaintiff)
-vs-)
CITY OF ASHEVILLE)
)
Defendant)

NOTICE OF CLAIM FOR DAMAGES
FOR PERSONAL INJURY

TO THE HONORABLE CITY MANAGER AND COUNCILMEN OF THE CITY OF ASHEVILLE:

DAVID EUGENE TALLENT hereby files this claim and notice for claim against the City of Asheville for damages for personal injuries sustained and to that end sets forth the following:

1.

That the date of which the injuries and damages were sustained was January 28th, 1944.

2.

That the place of the happening or infliction of said injuries was in the City of Asheville on sewer right of way on lot located on Church Street in said City.

3.

That the manner in which said injuries were inflicted were:

That the claimant, David Eugene Tallent fell into an open sewer man-hole, the top or lid of same not being thereon, due to the negligence of the City of Asheville, thereby sustaining serious injuries as hereinafter described.

4.

That the character of injuries sustained by the plaintiff as a result of said negligence of the City of Asheville was a fractured skull and cuts, bruises and abraisons upon various parts of his body and as a result thereof your claimant has suffered great pain and mental anguish and was compelled to seek medical treatment and hospitalization to great expense to this claimant and as claimant is advised, informed and believes that said injuries are permanent.

5.

That claimant has been damaged by virtue of said injuries suffering and expenses in excess of $1,500.00.

6.

That the amount of damages claimed against the said City of Asheville is for the sum of $1500.00 payment of which this claimant demands immediately.

David Eugene Tallent

By David L. Tallent

Burgin Pennell
Attorney

ORDINANCE #292

Ordinance No. 292, entitled, "AN ORDINANCE REGULATING THE KEEPING OF CHICKENS IN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE CONTROL THEREOF" was deferred until the next meeting upon motion of Councilman Bryson, seconded by Councilman Starnes.

Mr. George Pennell, Rev. Reid Lunsford, Pastor of the Patton Avenue Baptist Church, Vernon Town, negro, of 47 Clingman Avenue, Joseph F. Ford of 46 Arlington St., all spoke against the Ordinance. Councilman Bryson and Councilman Divelbiss both commented on the Council's purpose for such an Ordinance.

Mayor Lee stated that every member of the Council was eager to work the problem out to the satisfaction of all concerned, and would be glad to digest points brought out by those who spoke.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, March 23, 1944--4:30 P. M.

The City Council met in regular session Thursday, March 23, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, Earl W. Eller, C. E. Starnes, Bretney Smith, Corporation Counsel Philip C. Cocke, Jr., City Manager P. M. Burdette, and Mayor Lee.

Minutes of the previous meeting were read and approved.

ORDINANCE NO. 292

Ordinance No. 292, entitled, " AN ORDINANCE REGULATING THE KEEPING OF CHICKENS IN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE CONTROL THEREOF" was presented, and Mayor Lee asked for the views of those present.

Mrs. W. B. Leaman of 171 Dorchester Avenue told the Council of the nuisance in her neighborhood caused by the three-story chicken house next door to her. She spoke of flies, and insanitary conditions causing the flies, and other conditions which were unbearable to live by. Mrs. J. T. Glenn also spoke of the same conditions. Mr. and Mrs. E. H. Grady of 52 Arlington Street said they had practically the same condition in their neighborhood.

Mr. H. L. Martin of 217 Sulphur Springs Road, told the Council he had talked with at least 200 people, only two of them were in favor of the ordinance. He said there were too few people who wanted the ordinance against the great number who did not want it.

Rev. Reid Lunsford, Pastor of the Patton Avenue Baptist Church spoke against the ordinance, and said if the existing sanitary laws were observed, no new ones were necessary according to his views on the matter.

Mr. C. H. Ford, owner of the Chicken house in question, of 163 Dorchester Avenue, said he considered it most unfortunate that the matter had to be considered by the Council, as it was a neighborhood controversy.

Mayor Lee told those present that the Council was working on the matter, that that Mr. Burdette had given considerable time to it, collecting information from other cities in North Carolina on Chicken Ordinances, and he hoped soon to have a workable ordinance to present.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, March 30, 1944--4:30 P. M.

The City Council met in regular session Thursday, March 30, 1944 at 4:30 P. M., with Mayor Lyons Lee presiding. Present: Councilmen Holmes Bryson, C. Fred Brown, Earl W. Eller, O. E. Starnes, Bretney Smith, Vice-Mayor J. E. Divelbiss, Jr., City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

Minutes of the previous meeting were read and approved.

Mayor Lee reported that considerable study had been given to Ordinance No. 292 entitled "AN ORDINANCE REGULATING THE KEEPING OF CHICKENS IN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE CONTROL THEREOF", but that no solution of the problem had been arrived at, and asked the Council to postpone action on this ordinance. After a short discussion motion was made by Mr. Starnes, seconded by Mr. Eller, to postpone action on this ordinance. This motion was unanimously carried.

Resolution authorizing the City Manager to advertise certain property for sale was upon motion of Councilman Divelbiss, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN PROPERTY FOR SALE

WHEREAS, the City Council of the City of Asheville has certain offers on Lot 102, Sheet 3, Ward 8; and

WHEREAS, the City Council of the City of Asheville deems it advisable to sell said property at auction to the last and highest bidder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise said property for sale according to law.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 30th day of March, 1944.

L. Lyons Lee
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mayor Lee read the following letter from Mr. W. C. Hampton, Solicitor of the City Police Court:

Honorable L. Lyons Lee,
Mayor of the City of Asheville,
Asheville, N. C.

Dear Sir:

This is to inform you that I have been accepted by the army for military service and will be inducted as of April 1, 1944. I respectfully request a leave of absence, this matter having been passed on by the Attorney General as the proper procedure in such case.

Respectfully submitted,

W. C. Hampton
City Solicitor

Upon advice from Mr. Cocke that this matter had been passed upon by the Attorney General, a motion was made by Councilman Eller, seconded by Councilman Brown, that Mr. Hampton, City Solicitor, be granted a leave of absence not to exceed his present term of office. This motion was unanimously carried.

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, April 6, 1944 -- 4:30 P. M.

The City Council met in regular session Thursday, April 6, 1944 at 4:30 P. M. with Mayor Lyons Lee presiding. Present: Councilmen C. Frod Brown, O. E. Starnes, Earl W. Eller, Bretney Smith, City Manager P. M. Burdette, Philip C. Cocke, Jr. Corporation Counsel and Mayor Lee.

Minutes of the previous meeting were read and approved.

ORDINANCE 292

Ordinance No. 292, entitled, "AN ORDINANCE REGULATING THE KEEPING OF CHICKENS IN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE CONTROL THEREOF," was introduced on its second reading.

Councilman Starnes voted "nay" Councilman Eller voted "nay"
Councilman Brown voted "nay" Councilman Smith voted "nay
and Mayor Lee voted "nay"

This Ordinance was defeated on its second reading.

Ordinance No. 293, being an, "ORDINANCE REGULATING THE KEEPING OF CHICKENS AND OTHER FOWLS WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE; REQUIRING A PERMIT THEREFOR; AND ESTABLISHING RULES AND REGULATIONS," was presented and unanimously passed on its first reading with the following vote:

Councilman Brown voted "aye" Councilman Eller voted "aye"
Councilman Starnes voted "aye" Councilman Smith voted "aye"
and Mayor Lee voted "aye"

There being no further business, the meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, April 13, 1944--4:30 P. M.

The City Council met in regular session Thursday, April 13, 1944 at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Earl W. Eller, C. Fred Brown, Holmes, O. E. Starnes, Vice-Mayor J. E. Divelbiss, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Lee.

The minutes of the previous meeting were read and approved.

Mayor Lee read the following letter from Mrs. Glenn Morris, City Clerk:

Mayor L. Lyons Lee, Members of the
City Council, and Mr. P. M. Burdette,
City Manager
Asheville, N. C.

Dear Sir:

It is with deep regret that the transfer of my husband to Memphis makes it necessary for me to close a chapter in my life that has been very dear to me. It has been an honor and a privilege to work for you, and I shall always have the deepest interest in this body, and wish for each of you all the good things of life.

Sincerely yours,

Glenn Morris
City Clerk

Councilman C. Fred Brown moved that Mrs. Morris resignation be accepted, this motion was seconded by Councilman Eller and unanimously passed by the Council.

Ordinance #293, entitled, "AN ORDINANCE REGULATING THE KEEPING OF CHICKENS AND OTHER FOWLS WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE; REQUIRING A PERMIT THEREFOR; AND ESTABLISHING RULES AND REGULATIONS," was unanimously passed on its second reading with the following vote:

Councilman Eller voted "aye" — Vice-Mayor Divelbiss voted "aye"
Councilman Brown voted "aye" — Councilman Starnes voted "aye"
Councilman Bryson voted "aye" — Mayor Lee voted "aye"

Mr. Hall Lee, residing at number 68 Hillside Street, made a complaint to the Council regarding a neighbor's chickens. He spoke of unsanitary conditions causing flies.

Resolution authorizing the Mayor to execute quit-claim deeds to L. H. Bryan and Wife, Katherine Bryan; Catherine Dawson; and Harold J. Taylor and Wife, Ruby W. Taylor was upon motion of Councilman Starnes seconded by Councilman Eller, unanimously adopted as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS TO L. H. BRYAN AND WIFE, KATHERINE BRYAN; CATHERINE DAWSON; AND HAROLD J. TAYLOR AND WIFE, RUBY W. TAYLOR

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the years 1926, 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATES	ORIGINAL OWNERS	LOTS	SHEETS	WARDS	MAKE DEEDS TO
925	R. L. Patterson,	148	7	3	L. H. Bryan and wife, Katherine Bryan
4684	J. J. Saylor	95	13	5	Catherine Dawson
1130 (1927)					
1943 (1928)	R. M. Ashworth	304	2	5	Harold J. Taylor and wife, Ruby W. Taylor

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: Earl W. Eller
COUNCILMAN

Read, approved and adopted, this 13th day of April, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Upon the motion by Vice-Mayor Divelbiss and seconded by Councilman Starnes, Joyce M. Wells was nominated for the office of City Clerk, and was unanimously elected to this office

There being no further business, the meeting was upon motion, adjourned.

MAYOR

Joyce M. Wells
CITY CLERK

Thursday, April 20, 1944 - - 4:30 P. M.

The City Council met in regular session Thursday, April 20, 1944 at 4:30 P. M., with Mayor L. Lyons Lee presiding, Present: Councilmen Earl W. Eller, C. Fred Brown, Holmes Bryson, O. E. Starnes, Bretney Smith, Corporation Counsel Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

Ordinance #293 entitled, "AN ORDINANCE REGULATING THE KEEPING OF CHICKENS AND OTHER FOWLS WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE; REQUIRING A PERMIT THEREFOR; AND ESTABLISHING RULES AND REGULATIONS," was presented for its third and final reading. Mayor Lee asked for discussions.

Mr. Joseph F. Ford, residing at 46 Arlington Street spoke against the ordinance.

Mayor Lee gave a brief explanation of the ordinance and called for a vote which follows:

Councilman Eller voted "aye" — Councilman Starnes voted "aye"
Councilman Brown voted "aye" — Councilman Smith voted "aye"
Councilman Bryson voted "aye" — Mayor Lee voted "aye"

ORDINANCE NO. 293

AN ORDINANCE REGULATING THE KEEPING OF CHICKENS AND OTHER FOWLS WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE; REQUIRING A PERMIT THEREFOR; AND ESTABLISHING RULES AND REGULATIONS

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1. Any person, firm or corporation desiring to keep chickens or other fowls within the corporate limits of the City of Asheville must first make application to the City Health Department for a written permit to do so.

Section 2. Before said permit is granted by the City Health Department it shall be the duty of the Health Officer, or his or her constituted representative, to make an inspection of the premises where the permit for keeping of chickens and other fowls is desired; and in making such inspection the Health Inspector shall ascertain whether or not the premises above referred to are in a clean, sanitary and healthful condition.

Section 3. If after making the inspection referred to in Section 2 of this ordinance the Sanitary Inspector has ascertained that all ordinances of the City of Asheville and laws of the State of North Carolina relating to the keeping of chickens or other fowls have been complied with, he shall then issue a permit to the applicant referred to in Section 1 of this ordinance to maintain chickens and other fowls.

Section 4. After said permit referred to in Section 3 of this ordinance is granted, all ordinances of the City of Asheville regulating the keeping of chickens and other fowls, laws of the State of North Carolina regulating the keeping of chickens and other fowls must be complied with, and, in addition thereto, the holder of the permit shall adhere to the following rules and regulations:

(a) Chicken house and run must be enclosed, and the chickens or fowls kept within it at all times.

(b) The run must be well drained so there will be no accumulation of moisture.

(c) All droppings must be removed from the chicken or fowl house twice weekly.

(d) The floor of the house and run must be limed at least twice weekly from May first to October first of each and every calendar year.

(e) The chicken or fowl house must be:
(1) For fowls only;

(2) Well ventilated, with one square foot of window to fifteen square feet of floor space.

(3) All walls must be white-washed twice yearly.

(f) Floor of chicken or fowl house and run shall be cleaned twice weekly in a manner approved by the Health Department of the City of Asheville, and all droppings and body excretions shall be placed in a fly-proof covered container by the owner or holder of the permit.

Section 5. It shall be unlawful for any person, firm or corporation to allow any dead chickens or other fowls on the premises covered by the permit referred to herein, and disposal of any dead chicken or other fowl must be made pursuant to the ordinances of the City of Asheville.

Section 6. Permits authorizing keeping or maintaining of chickens or other fowls above mentioned within the corporate limits of the City of Asheville must be posted at a conspicuous place in or around the premises, and said permit may be revoked by the City Health Officer at any time upon the violation of the terms of this ordinance, and upon the revocation of the permit the chickens or other fowls must be removed from within the corporate limits of the City of Asheville by the owner thereof within one week from notification.

Section 7. That the rules and regulations referred to in Section 4 of this ordinance must be posted in a conspicuous place in or around the premises.

Section 8. Any person, firm or corporation violating the provisions of this ordinance are subject to indictment by the City Health Officer of the City of Asheville, in addition to the penalties set out herein.

I move the adoption of the foregoing ordinance, this 20 day of April ,1944.

C. Fred Brown
COUNCILMAN

SECONDED BY: Earl. W. Eller
COUNCILMAN

Read, approved and adopted, this 20 day of April , 1944, to become effective 7 day of May , 1944.

L. Lyons Lee
Mayor

Joyce M. Wells
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
Corporation Counsel

A delegation of colored women appeared before the Council to make a request for improvements to Curve Street.

Mayor Lee announced to the Council that a letter of appreciation for her services as City Clerk, was sent to Mrs. Morris, who resigned to make her residence in Memphis, Tenn.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

Thursday, April 27, 1944 - - 4:30 P. M.

The City Council met in regular session, Thursday, April 27, 1944 at 4:30 P. M., with Mayor L. Lyons Lee Presiding, Present: Councilman Earl W. Eller, O. M. Starnes, Pretney Smith, City Manager, P. M. Burdette and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

RESOLUTION AUTHORIZING CORPORATION COUNSEL TO REVISE AND COMPILE ORDINANCES OF THE CITY OF ASHEVILLE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Corporation Counsel be and he is hereby directed, authorized and empowered to proceed at once to revise and compile all of the ordinances of the City of Asheville, together with the Charter and all amendments thereto and all acts of the Legislature particularly affecting the City of Asheville and to prepare the same for publication in book form, and that said book, when prepared for publication, shall be known and designated as "The Code of the City of Asheville, North Carolina".

I move the adoption of the foregoing resolution.

O. M. Starnes
COUNCILMAN

SECONDED BY: Earl. W. Eller
COUNCILMAN

Read, approved and adopted, this 27 day of April, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Mayor Lee announced to the Council that a letter had been received from Mr. S. J. Pegram expressing his regrets that he could not serve as Acting-Solicitor of the City Police Court.

Upon motion of Councilman Starnes, seconded by Councilman Smith, Marshall W. Orr was nominated for the office of Acting Solicitor of the City Police Court and unanimously elected, effective May 1, 1944.

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

Thursday, May 4, 1944--4:30 P. M.

Because of a lack of a quorum, no meeting of the City Council was held on the above date.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

Thursday, May 11, 1944 - - 4:30 P. M.

The City Council met in regular session Thursday, May 11, 1944 at 4:30 P. M. with the following members present: Councilmen C. Fred Brown, Holmes Tryson, Earl W. Weller, J. E. Divelbiss, Pretney Smith, City Manager, L. V. Sherrill, City Attorney, William L. Cocke, Jr. and Mayor I. Lyons Lee.

The minutes of the previous meeting were read and approved.

Ordinance No. 1.5, entitled, "AN ORDINANCE LEVYING, ASSESSING, FIXING, AND COLLECTING TAXES ON THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1944 AND ENDING MAY 31, 1945, was passed on its first reading with the following vote:

Councilman C. Fred Brown voted "aye" Councilman Earl W. Weller voted "aye"
Councilman Holmes Tryson voted "aye" Councilman J. E. Divelbiss voted "aye"
Councilman L. V. Sherrill voted "aye" Councilman Pretney Smith voted "aye"
Mayor Lee voted "aye"

There being no further business, the meeting was upon motion adjourned.

I. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

Thursday, May 18, 1944--4:30 P. M.

The City Council met in regular session Thursday, May 18, 1944, at 4:30 P. M., with the following members present: Councilmen Fred Brown, Holmes Tryson, Earl W. Weller, J. E. Divelbiss, Pretney Smith, City Manager, L. V. Sherrill, City Attorney, William L. Cocke, Jr. and Mayor I. Lyons Lee.

The minutes of the previous meeting were read and approved.

Ordinance No. 1, entitled, "AN ORDINANCE LEVYING, ASSESSING, FIXING, AND COLLECTING TAXES ON THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1944 AND ENDING MAY 31, 1945, was passed on its second reading with the following vote:

Councilman Weller voted "aye" Councilman Divelbiss voted "aye"
Councilman Tryson voted "aye" Councilman Smith voted "aye"
Councilman Brown voted "aye" Mayor Lee voted "aye"

Mayor Lee was authorized to execute quit-claim deed to County of Buncombe as hereinafter set forth, sponsored by Councilman Brown, unanimously passed as follows:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED TO THE COUNTY OF BUNCOMBE FOR CERTAIN REAL PROPERTY OWNED BY ROWLAND REAL ESTATE

WHEREAS, the Board of Financial Control for Buncombe County acquired certain real property through liquidation of collateral securing loans made by the City of Asheville or the County of Buncombe, and

WHEREAS, by an act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or controlled by said Board was transferred to the City of Asheville and the County of Buncombe in proportion to their interest therein; and

WHEREAS, the City of Asheville has no interest in the following real property, which is described as lot No. 1 of the plat of the Rowland Property, which is recorded in the office of the register of deeds for Buncombe County, in Plat Book 4, page 171; and in order to clear the title to said property it is necessary for the City of Asheville to execute a quit-claim deed to the County of Buncombe;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized to execute quit-claim deed to the County of Buncombe for the property herein described.

I. Lyons Lee

Thursday, May 11, 1944 - - 4:30 P. M.

The City Council met in regular session Thursday, May 11, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding. Present: Councilmen C. Fred Brown, Holmes Bryson, O. L. Starnes, Earl W. Eller, J. E. Divelbiss, Bretney Smith, City Manager, P. L. Cunningham, Supervising Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

Ordinance No. 844, entitled, "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND [illegible] THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING MAY 1, 1944 AND ENDING MAY 31, 1945, was passed on its first reading with the following vote:

Councilman J. Fred Brown voted "aye" Councilman Earl W. Eller voted "aye"
Councilman Holmes Bryson voted "aye" Councilman J. E. Divelbiss voted "aye"
Councilman O. L. Starnes voted "aye" Councilman Bretney Smith voted "aye"
Mayor Lee voted "aye"

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

Thursday, May 18, 1944--4:30 P. M.

The City Council met in regular session Thursday, May 18, 1944, at 4:30 P. M., with Mayor L. Lyons Lee presiding. Present: Councilmen Fred Brown, Holmes Bryson, O. L. Starnes, Earl W. Eller, J. E. Divelbiss, Bretney Smith, City Manager, P. L. Cunningham, Supervising Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

Ordinance No. 844, entitled, "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND [illegible] THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING MAY 1, 1944 AND ENDING MAY 31, 1945, was passed on its second reading with the following vote:

Councilman Brown voted "aye" Councilman Eller voted "aye"
Councilman Bryson voted "aye" Councilman Divelbiss voted "aye"
Councilman Starnes voted "aye" Councilman Smith voted "aye"
Mayor Lee voted "aye"

[illegible] to execute quit-claim deed to County of Buncombe [illegible] Councilman Starnes, seconded by Councilman Brown, unanimously passed [illegible]:

[illegible] AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO [illegible] PROPERTY ON HOLLAND ROAD

[illegible] Board of Financial Control for Buncombe County acquired [illegible] property through liquidation of collateral [illegible] the City of Asheville or the County of Buncombe,

[illegible] General Assembly of North Carolina the [illegible] Control was established and all of the property owned or [illegible] was transferred to the City of Asheville and the [illegible] interest or claim; and

[illegible] Asheville has no interest in the following property: [illegible] of the plat of the Howland Property, which is [illegible] Register of Deeds for Buncombe County, [illegible], at page 171; and in order to clear the title [illegible] necessary for the City of Asheville to execute [illegible] County of Buncombe;

[illegible] CITY COUNCIL OF THE CITY OF [illegible]:

[illegible] Mayor is hereby authorized to execute quit-claim [illegible] for the property herein described.

[illegible] motion of the foregoing resolution.

[illegible]
Holmes Bryson

[illegible]:
C. Fred Brown

[illegible] and adopted, this 18 day of May, 1944.

L. Lyons Lee
MAYOR

[illegible]
J. E. Wells
CITY CLERK

[illegible]:

Philip C. Cocke, Jr.
SUPERVISING COUNSEL

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

[illegible], May 25, 1944--4:30 P. M.

The City Council met in regular session Thursday, May 25, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding. Present: Councilmen Holmes Bryson, O. L. Starnes, Earl W. Eller, J. E. Divelbiss, Bretney Smith, City Manager, P. L. Cunningham, Supervising Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

Ordinance No. 844, entitled, "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND [illegible] THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING MAY 1, 1944 AND ENDING MAY 31, 1945, was passed on its third reading with the following vote; 5 for being read in full:

Councilman Bryson voted "aye" Councilman Eller voted "aye"
Councilman Starnes voted "aye" Councilman Divelbiss voted "aye"
Mayor Lee voted "aye" Councilman Smith voted "aye"

Resolution authorizing Mayor to execute quit-claim deed to O. C. Allen [illegible] Councilman Bryson, seconded by Councilman Starnes, unanimously passed as follows:

[illegible] AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO O. C. ALLEN FOR PROPERTY IN [illegible]

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the years 1927 to 1932; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit vested for obtained title to any real estate the power and authority to receive to the original owner said property upon the payment of the taxes, cost of interest due, costs, without advertising sale; and

WHEREAS, the following property was sold at private sale to:

CERTIFICATE	ORIGINAL OWNER	LOT	[illegible]	SALE	[illegible] TO
6000 (1927)	Norcemen Investment Co.	194, 194 2/3, 201,	[illegible]	4	O. C. Allen
1101 (1928)	The Finance Co.	202			

..., ..., I ... BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

... of the City of Asheville be and he is hereby authorized ... to execute quit-claim deed to the property listed above, as ... said deed is to be turned over to the tax collector of the ... ville, he will deliver the same to the bidder upon payment of ... referred to, and the listing of the property for taxes for ... title was vested in the City of Asheville.

... adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

ATTESTED BY: O. E. Starnes
COUNCILMAN

... adopted, this ... day of May, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

...:

... L. Cole, Jr.
CITY ATTORNEY

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

ORDINANCE 24

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND COLLECTING LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1944 AND ENDING MAY 31, 1945.

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trade, profession, calling, occupation, or doing the act named, or selling or offering for sale, any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of June, 1944, to the thirty-first day of May, 1945, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by September 1, 1944, 2 per cent of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the two (2%) per centum per month thereof, has been paid. The addition of the two (2) per centum per month on the amount of said license tax shall not exempt the delinquent of any particular tax herein imposed shall not relieve the party owing same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon the payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3

(a) That any person, firm, or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person interested in or connected with such business, to give evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Fare, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists.
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine:

[illegible]	
[illegible]	
Electrical Contractors	1,0
Plumbing & Gas Contractors and Fitters	1,
[illegible] Contractors	1,0
[illegible] Contractors	50
Each and every Contractor doing any work on sidewalks or streets	1,
[illegible] over $50.00	
[illegible] work costing over $5,000.00	10
[illegible] agent	1,00
[illegible]	5
[illegible]	5.0

Section 5

[illegible] "person" is used in this ordinance, the same shall be construed to [illegible] "firms", "companies", "corporations", and "associations".

Section 6

[illegible] amount to be paid for license depends upon the amount of gross sales or receipts [illegible] ascertained, it shall be the duty of persons applying for license to [illegible] the Director of Finance a sworn statement of such gross sales or receipts during the pre- [illegible] months, quarter, or year, as the case may be, and such other and further proof as the [illegible] may require, shall be rendered said Director of Finance; and in either case, [illegible] shall not be required to receipt for the money or issue any license until [illegible] proofs are furnished. In case the business for which the license is required is [illegible] after June 1, 1944, and the tax on such business is based on gross sales or receipts [illegible] ascertained, the license shall be assessed upon the probable gross sales or [illegible] for one year; or if the amount of tax to be paid is determined by other [illegible] ascertained, then a sworn statement as to such facts shall be made, and the license [illegible] quarter. Provided, however, that the Director of Finance shall have the right at any time [illegible] any license to require of such licensee additional sworn statements [illegible] gross sales or receipts or other determining facts of such business, and on additional li- [illegible] tax all [illegible] in accordance therewith.

Section 7

[illegible] business is begun after June 1, 1944, the tax in such case may be reduced in pro- [illegible] to the number of full quarters that have elapsed since June 1, 1944, unless otherwise [illegible] in the section fixing the tax. Provided, however, that no license shall be issued for [illegible] than One Dollar.

Section 8

[illegible] of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty days.

Section 9

[illegible] section, paragraph, sentence, clause, or phrase, of this ordinance, be declared [illegible] or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10

[illegible] license shall be required for each place of business, and every class of business [illegible] for which a license tax is required by this ordinance.

Section 11

[illegible] provision of this ordinance shall be subject to revocation or suspension for [illegible] by the City Manager, without refund of any part of the tax paid [illegible] owner, or person in charge of the business or employees, shall violate [illegible] relative to such business, or be convicted of crime, or if, in the judg- [illegible] manager, the license does, by reason of its nature or the manner or place [illegible] operated, constitute a nuisance or is a menace to good order or to public [illegible], peace, or morals. And upon the revocation or suspension of any such license, [illegible] for the person to whom such license was granted to continue to conduct [illegible] any person, firm, or corporation, violating this provision, shall pay a penalty [illegible] Dollars. Each day such business is conducted after revocation or suspension [illegible] constitute a separate offense.

Section 12

[illegible] duty of the Director of Finance to see that the Solicitor of the Police [illegible] furnished with a list of all unpaid license taxes for the fiscal year of 1944-45, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, or [illegible] vigorously as necessary and demand that the same be paid or inflict a penalty [illegible] provided in this ordinance.

Section 13

[illegible] person who shall violate any provision of this ordinance, or carry on any business, trade or vocation, or profession, on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offence, and each day said business shall be carried on shall constitute a separate and distinct offence.

Section 14

[illegible] license is issued, it is provided that the [illegible] of business licensed is not prohibited by [illegible], however, it is pro- [illegible] pursued to be illegal or illegally conducted [illegible] the authority to revoke the license.

LICENSE SCHEDULE

Section 15

"A"

ABATTOIR, OR SLAUGHTER HOUSE

Per annum - - -

PROVIDED, further, that the provisions of this section shall apply to all itinerants as defined herein who place advertisement signs on their vehicles.

AGENTS NOT SPECIFICALLY TAXED

Every person, engaged in business as an agent, having the agency for the manufacturer, producer, or distributor, and not specifically taxed by some other section of this license Schedule, shall pay a tax of, per annum - $ 25.00

AGRICULTURAL IMPLEMENTS AND MACHINERY

Every person, firm or corporation engaged in the business of selling agricultural implements and machinery, shall pay a tax of, per annum - - - - - - - - - - - - - - - - - - -$ 25.00

AMUSEMENT PLACES (EXCEPT CIRCUS / CARNIVAL)

See "Building Services".

AMUSEMENT PARKS

Every person, firm, or corporation, engaged in the business of operating a park open to the public as a place of amusement, in which there may be either a bowling alley, trained animal show, penny or nickel machine for exhibiting pictures, moving picture show, theatrical performance, or similar entertainment, shall pay for the privilege of conducting such amusement park, a license tax as follows:

Municipal license for two (2) months or less - - - - - - - - -$ 200.00
Municipal license for four (4) months - - - - - - - - - - - - - 400.00
Municipal license for eight (8) months - - - - - - - - - - - -600.00
Municipal license for twelve (12) months - - - - - - - - - - 800.00

PROVIDED, the payment of the tax shall not authorize the operation of a carnival, circus, or show of any kind that moves from place to place.

ANTIQUE FURNITURE - DEALERS IN

Per annum -$ 25.00

Itinerant, per annum -$ 100.00

ANTIQUE SHOPS

Any person, firm or corporation, selling or distributing what is commonly termed antiques, shall pay a license tax of, per annum -$ 25.00

ARCADES, PENNY PARLORS, PEEP SHOWS

Each, per annum -$ 200.00

NOT PRORATED

ARCHITECTS

Exempt by State statutes.

ART GOODS, MANUFACTURERS OR DEALERS IN

Residential retail dealers -$10.00

Itinerant -$100.00

ASPHALT OR ASPHALT SUPPLIES

Dealers, sellers, or distributors in, each, per annum - - - - - - - - - - - - - - - - - $50.00

PROVIDED, when building material tax is paid, no additional tax shall be collected under this section.

ATHLETIC SUPPLIES AND SPORTING GOODS

Every person, firm, or corporation, selling or distributing athletic supplies or sporting goods, shall pay a license tax of, per annum -$ 25.00

PROVIDED, Every person, firm or corporation selling athletic supplies and sporting goods, where the gross sales are less than $3,000 annually, shall pay a license tax of, per annum - $10.00

ATTORNEYS

Exempt by State Statutes.

AUCTIONEERS

(a) Every person, firm, or corporation, that conducts auction sales of anything other than real estate, shall pay an annual tax of, as follows:

Residents, each per year - $ 10.00
Itinerants, each, per day - 5.00
Itinerants, each, per week - 10.00

(b) Every person, firm, or corporation, that conducts auction sales of real estate for a profit, shall pay a license tax of:

Residents, each, per sale - $ 12.50
Residents, each, per year - 25.00
Itinerants, each, per day - 25.00

NOT PRORATED

AUTOMOBILE, MOTORCYCLE AND MOTOR VEHICLE, DEALERS, AND SERVICE STATIONS

(a) Automobile Service Stations: Every person, firm, or corporation, engaged in the business of servicing, storing, painting, or upholstering of motor vehicles, trailers, or semi-trailers, or engaged in the business of retailing, selling, and/or delivering of any tires, tools, batteries, electrical equipment, automotive accessories or supplies, including radios designed for exclusive use in automobiles, motor fuel and/or lubricants, or any such commodities, shall pay for each location where such business is carried on, license tax of, per annum - - - - - - - - - - -$12.50

(b) Automobile Service Stations, on Sidewalks or Streets: Every person, firm, or corporation, engaged in the business of operating any gasoline or oil pump located on any street or sidewalk whether such pump is regularly used for the sale of gasoline, or oil, or not, shall pay therefor an annual license tax of, per annum, per pump -$50.00

PROVIDED, all such tanks must be installed under the direct supervision and according to the instructions of the Director of Public Works. A permit to install same must be obtained from the City Manager. The Council reserves the right, however, to prohibit the installation of such tanks on public property within the congested district of said municipality. This tax is for the right to use the sidewalk and is in addition to taxes levied by this ordinance on Automotive Service Stations.

(c) Automobile Equipment and Supply Dealers at Wholesale: Every person, firm, or corporation, engaged in the business of buying, selling, distributing, exchanging, and/or delivering automobile accessories, parts, tires, tools, batteries, and for other automobile equipment and for other supplies, or any of such commodities at wholesale shall pay for each location where such business is carried on a license tax for every place of business, of per annum - - - - - - - - - - - -$62.50

PROVIDED, where the wholesale tax is paid the retail tax is not collectible on sub-section (c).

PROVIDED, any person, firm or corporation, engaged in the businesses enumerated in this section, and having no located place of business, but selling to retail dealers by use of some form of vehicle, shall pay for such license on each vehicle carrying on such business, a tax of, per annum -$ 25.00

(d) Body or Top Builders: Every person, engaged in the business of building bodies or tops for automobiles, busses, or trucks, including necessary curtains shall pay therefor a license tax of, per annum -$ 12.50

(e) Curtain Manufacturers: Every person, engaged in the business of manufacture of curtains for automobiles, busses, or trucks, and not building bodies or tops for such automobiles, busses, or trucks, shall pay therefor a license tax of, per annum - $ 12.50

(f) Motorcycle Dealers: Every person engaged in the business of buying, selling, distributing, and/or exchanging motorcycles or motorcycle supplies, or any such commodities, shall pay therefor a license tax of, per annum - - - - - - - - - - - - - - - - - - -

AWNINGS AND TENTS

Every person, firm or corporation, operating any business of manufacturing, selling, installing, or erecting tents or awnings, shall pay a license tax of:

For each [illegible] -$ 50.00
All tents, each -100.00

PROVIDED

[illegible], that where stores sell ready-made standard size window awnings only, not more than [illegible] in width, shall pay a license tax of, per annum - - - - - - - $15.00

" " "

BAKERY PRODUCTS, CAKES, CRACKERS, AND DOUGHNUTS

(a) Every person,firm, or corporation, operating a bakery or preparing or manufacturing bread, cakes, crackers, or doughnuts, shall, if selling at retail, pay a license tax of, per annum - $25.00

(b) Selling bakery products, including bread, crackers, or cakes, and doughnuts, at wholesale, per annum -$125.00

(c) Every person, firm, or corporation, selling and delivering bakery products, including bread, cakes, crackers, or doughnuts, shall pay for the privilege of delivering such products within the City, a license tax of, per annum - - - - - - - - - - - - - - - - - -$125.00

PROVIDED, that this tax shall not apply to merchants selling bakery products, bread, cakes, crackers, or doughnuts, in connection with a regular merchandising business; and, provided, further, that it shall be unlawful for any person, firm, or corporation selling or delivering bakery products after the passage of this ordinance to sell or deliver any such product from a vehicle unless such vehicle shall have plainly and visibly painted on it the name of the person, firm or corporation, operating same, together with the name of the city where such bakery products are manufactured and to also procure from the Health Officer a "Bakery Delivery Permit", the number of which permit must be on such vehicle.

Doughnuts, machine - $10.00
Bakery products, small pies that retail for not over 5¢, per annum - - $10.00

The foregoing shall not be collected from restaurants, on which restaurant tax has been paid.

BALLOONS, NOVELTIES, SOUVENIRS, CURIOS, FLAGS, ETC.

Every individual selling or offering for sale balloons, novelties, souvenirs, curios, flags, needles, sewing equipment, paring knives, cooking utensils, or other instruments, for the preparation of foods, or other classes of merchandise not specifically licensed or taxed herein, or ice cream, soft drinks, lunches, and fruits, shall pay a license tax of

Per day - $ 7.50
Per week - 15.00
Per month - 50.00

PROVIDED, that such tax shall not apply to any merchant selling said articles as a part of a regular merchandise, business and paying the tax prescribed for merchants; and, provided, that no person shall sell any food products under this section without first obtaining a written permit from the Health Officer.

BANKRUPT OR FIRE STOCK

Every itinerant salesman or merchant who shall expose for sale either on a lot or in a house or store building rented temporarily for that purpose, any goods, wares, or merchandise, bankrupt or receiver's stock, or fire stock, not being a regular merchant in the City shall apply for in advance a license for the privilege of transacting such business, and shall pay for such license a tax, of per annum -$100.00

NOT PRORATED

PROVIDED, that such tax shall not apply to any receiver or trustee conducting a bankrupt sale under order of Court.

BANKS AND TRUST COMPANIES

Every person, firm, or corporation, engaged in the business of operating any general banking or trust business, and such other business as is ordinarily conducted in connection with bank and trust companies, shall pay a license tax as follows:

If its capital stock does not exceed $100,000 per annum - - - - - - - - - - - - - - - - - - -$50.00
If its capital stock exceeds $100,000, but does not exceed $200,000 per annum - - - - - - -100.00
If its capital stock exceeds $200,000, but does not exceed $300,000 per annum - - - - - - -150.00
If its capital stock exceeds $300,000, but does not exceed $500,000 per annum - - - - - - -300.00
If its capital stock exceeds $500,000, per annum - 400.00

BANKS - MORRIS PLAN OR INDUSTRIAL

(a) Every person, firm, or corporation engaged in the business of operating a Morris Plan or Industrial Bank, shall pay for the privilege of engaging in such business, the following tax:

When the total resources, as of December 31 of the previous year are less than $250,000 -$37.50
$250,000 and less than $500,000 - 75.00
$500,000 and less than $1,000,000 -112.50
$1,000,000 and less than $2,000,000 -150.00
$2,000,000 and less than $5,000,000 -225.00
$5,000,000 and over -300.00

(b) Every person, firm, or corporation, engaged in the business of soliciting loans or deposits for Morris Plan or other Industrial Banks, shall pay a license tax of, per annum-$25.00

Any bank that shall begin business during the current tax year, the tax shall be calculated on the total resources at the beginning of the business.

BARBER AND/OR BEAUTY COLLEGES

Per annum -$25.00

BARBER SHOPS, BEAUTY SHOPS, OR PARLORS

Every person, firm, or corporation, engaged in the business of conducting a barber shop, beauty shop, or other parlor of like kind, shall pay the following tax:

For each barber chair maintained in barber shop, whether chair is in use or not, per annum -$2.50
For each operator in beauty shop, parlor, or other shop of like kind in any office, hotel, or other place, per annum -$2.50
For each barber chair maintained in a beauty shop, per annum - - - - - - - - - - - - - - -$2.50
Itinerant massage operators, per day -$5.00

BARBER OR BEAUTY SHOP SUPPLIES

Every person, firm or corporation, engaged in the selling of barber or beauty shop supplies, shall pay a license tax of, per annum -$25.00

BARREL, CRATE, OR BASKET FACTORIES

Each, per annum - $25.00

BATH HOUSES

Every person, firm or corporation operating or maintaining a bath or massage establishment, shall pay a license tax of, per annum -$25.00

BEAUTY SHOPS OR PARLORS

See "Barber Shops"

BED MANUFACTURERS

Each, per annum -$ 25.00

BEER AND OTHER BEVERAGES

Regulated by Special City Ordinance No. 241

NOT PRORATED

BICYCLES

Each dealer or agent selling, supplying, repairing, or renting, per annum - - - -$12.50

BILLBOARDS, ADVERTISING BY USE OF

See "Advertising"

BILLIARDS AND POOL

Every person, firm, or corporation, association, club, or organization, by whatsoever name called, who shall rent, own, run, maintain, or operate a table or tables on which billiards, pool, or snooker, is played, whether operated by slot or otherwise, shall pay, per annum, for the privilege of operating such billiard, pool, or snooker tables, a license tax for each table, as follows:

Tables measuring not more than 2 feet wide and 4 feet long - - - - - $ 5.00
Tables measuring not more than 2½ feet wide and 5 feet long - - - - - 10.00
Tables measuring not more than 3 feet wide and 6 feet long - - - - - - 15.00
Tables measuring not more than 3½ feet wide and 8 feet long - - - - - 20.00
Tables measuring more than 3½ feet wide and 8 feet long - - - - - - - 25.00

PROVIDED, that in the event there should be kept, maintained, and operated any table or tables whose measurements either by width or length are in excess of any of the dimensions in the schedule above enumerated, then and in such event such table or tables so kept, maintained and operated, shall pay a license tax at the rate of the next larger size table above classified.

PRINTING OF BOOKS

Including job printing, each, per annum - $30.00
Not including job printing, each, per annum - 15.00

BIRDS

Every person, firm or corporation selling live birds, per annum - - - - - - - - - - - - - $ 10.00

PROVIDED, that where pet shop license tax has been paid, no bird license shall be collected.

BLANKET AND/OR RUG DEALERS

Every person, firm, corporation operating a business where the principal items are blankets and or rugs, shall pay a license tax of, per annum - $10.00

BLOCKS, CEMENT

See "Cement Blocks"

BOWLING ALLEYS, LIFTING MACHINES, OR ANY EXHIBITION OR PERFORMANCE OF LIKE CHARACTER

Each, per day - $50.00

BLUE PRINT SHOPS

Every person, firm, or corporation, making or selling or distributing blue prints, each per annum - $25.00

BOARDING HOUSES AND TOURIST HOMES

(a) Boarding Houses: Every person, firm or corporation engaged in the business of operating a boarding house using no form of advertising or soliciting for transient patronage, shall pay a license tax of, per annum - $2.50

Those advertising for transient patronage and having a seating capacity of not more than 16 in dining room, shall pay a license tax of, per annum - $5.00
For each additional seat (over 16) - $ .50

(b) Tourist Homes: Every person, firm, or corporation engaged in the business of operating a tourist home, tourist camp, or similar place advertising in any manner for transient patronage or soliciting such business, shall pay a license for five rooms, or less, per annum - - - - - $2.50

For each and every additional room - $ .50

BOATS AND BOAT SUPPLIES

Every person, firm, or corporation selling boats, and/or boat supplies, and/or equipment for boats, shall pay a license tax of, per annum - $25.00

BOND BROKERS

(a) Every person, firm, or corporation, who justifies on any civil bond or makes a bond of any civil nature whatsoever, for any other person, firm, or corporation, for profit, shall pay a license tax, per annum - $75.00

(b) Every person, firm, or corporation, who justifies on any criminal bond or makes an appearance bond for a defendant in the Criminal Courts within the City of Asheville and receives compensation therefor, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - $40.00

PROVIDED, that in the event any person, firm, or corporation engages in the business of justifying on or making both civil and criminal bonds for profit, then and in such event, such person, firm, or corporation, shall pay an annual tax of - - - - - - - - - - - - - - - - - $100.00

BOOK AGENTS

Per annum - $25.00
Per day - 2.50

Each agent shall always carry the license receipt issued and show the same when called to do so by anyone whom such agent calls on for the purpose of making a sale or demonstration.

BOOK BINDERS

BOOKBINDERS

See "Binders of Books"

BOOK STORES AND STATIONERS

Every person, firm, or corporation, engaged in the business of selling books and stationery, where fifty-percent (50%) or more of the business is derived from the sale of books and stationery shall pay a license tax of, per annum - $ 25.00

Where the principal business is not the sale of books and stationery a tax shall be paid of, per annum - $2.50

PROVIDED, this shall not apply to newsstands.

BOOTBLACK STANDS

Every person, firm, or corporation, operating any shoe-shine parlor or other place open to the public for the shining of shoes, and having two or more seats or chairs, shall be charged per annum, for each seat or chair - $ .50

BOTTLING WORKS

(a) Every person, firm, or corporation, manufacturing, producing, bottling, or distributing, in bottles, or other closed containers, soda water, Coca-Cola, Pepsi-Cola, Ginger Ale, Nehi, Nehi-Cola, Dr. Pepper, grape, and other fruit juices or imitations thereof, carbonated or malted beverages, and like preparations, commonly known as soft drinks, shall pay a special license tax under the following schedule, to wit:

LOW PRESSURE EQUIPMENT

Where the machine or the equipment unit used in the manufacture of the above named beverages is:

51 spouts or greater capacity, low-pressure filler - - - - - - - - - - - - - - - - - $425.00
41 spouts and less than 51 spouts, low-pressure filler - - - - - - - - - - - - - - - 187.50
36 spouts and less than 41 spouts, low-pressure filler - - - - - - - - - - - - - - - 150.00
32 spouts and less than 36 spouts, low-pressure filler - - - - - - - - - - - - - - - 125.00
24 spouts and less than 32 spouts, low-pressure filler - - - - - - - - - - - - - - - 87.50
18 spouts and less than 24 spouts, low-pressure filler - - - - - - - - - - - - - - - 62.50
12 spouts and less than 18 spouts, low-pressure filler - - - - - - - - - - - - - - - 21.87

HIGH PRESSURE EQUIPMENT

Where the machine or the equipment unit used in the manufacture of the above named beverage is:

Royal (8-head); Shields (6-head); Adriance (6-head) or other high pressure equipment having manufacturers rating capacity of over 60 bottles per minute - - - - - - - - - - - - - $ 150.00

Royal (4-head), Adriance (2-head), Shields (2-head), full equipment having manufacturers rating capacity of over fifty and less than sixty bottles per minute - - - - - - - - - - - - $125.00

Royal (4-head), Adriance (2-head), Shields (2-head) (full automatic), or other high-pressure equipment having manufacturer's rating capacity of more than forty and less than fifty bottles per minute - $87.50

Dixie (automatic), Shields (2-head hand feed), Adriance (1-head), Calleson (1-head), Senior (high pressure), Junior (high pressure), or Burns' or other high pressure equipment having manufacturers rating capacity of more than 24 bottles and less than 40 bottles per minute- - - $13.12

Single-head Shields, Modern Bond (power), Baltimore (semi-automatic), and all other machines, or equipment, having manufacturers' rating capacity of less than 24 bottles per minute, and all foot power bottling machines - $8.75

PROVIDED, that any bottling machine or equipment unit is not herein specifically mentioned shall bear the same tax as a bottling machine or equipment unit of the nearest rated capacity as herein enumerated; provided, that where any person, firm, or corporation or association, has within his bottling plant or place of manufacture more than one bottling machine or equipment unit, then such person, firm, or corporation or association shall pay the tax as herein specified upon every such bottling machine or equipment unit if in actual operation.

(b) Every person, firm corporation or association distributing, selling, at wholesale, or jobbing, bottled beverages, as enumerated in sub-section (a) shall pay an annual license tax of - - - - - - - - - - - - - - - - - - -

(d) Each truck, automobile, or other vehicles coming into this City from another State, and selling and/or delivering carbonated beverages on which the tax has not been paid under the provisions of sub-section (a) of this section shall pay an annual license tax for the privilege of doing business in this City, in the sum of $25.00 per truck,automobile, or vehicle. The license secured from the City under this section shall be posted in the cab of the truck, automobile, or vehicle.

BOWIE KNIVES

Any person, firm, or corporation, who shall keep in stock, or offer for sale, any bowie knives, dirks, daggers, slingshots, loaded canes, or brass, iron or metallic knuckles, shall pay a license tax of, per annum -$200.00

BOWLING ALLEYS

Every person, firm, corporation, association, club, or organization, by whatsoever name called, who shall own, rent, maintain or operate a bowling alley or alleys, shall pay on each alley so owned, rented, kept, maintained, or operated, per annum - - - - - - - - - - - - - - -$ 10.00

BOX FACTORIES

Per annum - $25.00

BRANCH AND CHAIN STORES

See "Chain and Branch Stores"

BRASS BANDS, ADVERTISING BY USE OF

See "Advertising, Outdoor." Sub-section (c)

BRASS KNUCKLES

See "Bowie Knives"

BROKERS, COTTON

Every person, firm, or corporation, engaged in the business of buying and/or selling on commission any cotton, grain, provisions, or other commodities, either for actual spot, or instant delivery, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - -

CAR LOADS

See "Wareh ouses"

CARRIER COMPANIES OR INSTITUTES

Every person, firm, or corporation, engaged in the business of manufacturing or selling or distributing carbide, per annum - - -

It is the intent of this subsection that every vehicle used in transporting circus property or personnel, whether owned by the circus or by others, shall be counted in computing the tax.

(c) Each side show, curiosity show, or other similar show, exhibiting on the same or contiguous lots with a circus, the tax shall be, per day or part of a day - - - - - - $7.50

And each separate tent shall be regarded as a sideshow and shall pay the license tax hereinbefore provided.

The payment of the foregoing tax shall permit only the exhibition known as the "sideshow" or in circus parlance, the "kid show", before any permit for the licensing of any circus, menagerie, wild west show, or dog and/or pony show will be given, an application must be made to the City Manager, which application must show the name and title of the circus or other exhibition, the manager thereof the owner or operators of the same, and if a corporation, the principal office or place of business, and the officers thereof, and the route of such circus or exhibition for the six days following any performance in Asheville; and if such route is not determined at the time of such application, it must be filed before giving any performance within the City; the number of cars, including "advance cars" the lot upon which the "Big Top", cook house, stables, and other tents and equipment will be placed; whether a parade will be given or not; the articles of merchandise to be vended, and the retail price thereof; which application must be sworn to and subscribed before an officer authorized to administer an oath; provided, further that the tax shall be based on the report of the State Treasurer or an actual count of cars by the Director of Finance and the payment of a license on the main end sideshows shall not authorize or permit the operating or the sale of any concession, soft drinks, or other merchandise without payment of the tax specifically designated herein upon such sales, and the sale of any and all foodstuffs shall be under the supervision of the Health and Sanitary Departments, and all ordinances regulating the handling of food shall apply to sales by any circus, their servants, agents, employees, or concessionaries.

PROVIDED, further, that a cash deposit of fifty ($50.00) dollars will be required from each circus or exhibition before "setting up" on lot, to defray the expenses of the Sanitary Department for cleaning up the lot used. The actual cost of such cleaning will be charged, and refund will be made in the event of any surplus. A deposit to cover cost of water used from the City supply will be required in accordance with the size of the circus.

COLLECTION AGENCIES

Every person, firm, corporation, or association engaged in the business of operating a collection agency for the purpose of collecting accounts, bills, notes, or any other indebtedness from one person, firm, or corporation in favor of another, shall pay a license tax of, per annum - - - - - -

(a) PLASTERERS: Every person, firm, or corporation who, for a fixed price, commission, fee or wage, engages in the business with the general public as a plasterer shall pay a license tax of, per annum - - -

All [illegible] or doughnut machines, each, per annum - - -

[illegible]

[illegible]

PET SHOPS

Every person, firm or corporation selling gold, silver, or other ornamental fish, alive, for use in an aquarium, bowls, or other ornamental purposes shall pay a license tax of, per annum-$10.00

This tax shall not be collected when a pet shop license is obtained.

PETS, [illegible]

Prohibited

[illegible]

[illegible], [illegible] - - -

..., however, that where any person, firm or corporation, operates a business not dealing with furniture exclusively, a tax shall be paid on the floor space devoted to the sale of furniture, but in no case shall the license tax be less than $15.00 per annum.

Every ..., firm or corporation buying or exchanging used furniture, shall, before ... in the City ..., obtain a permit from the Health Officer.

" G "

GALLERIES, SHOOTING

Each, per annum - - -

[illegible]

[illegible] - - -

[illegible] - "J"

[illegible] "Wall Paper"

[illegible] PAPER HANGING

Every person, firm or corporation engaged in the business of paper-hanging, or engaged in the business of interior decorating, shall pay a license tax, as follows:

[illegible], per annum - $ 10.00
[illegible], per annum - 10.00

[illegible] does not include painting or wall-paper hanging.

"J"

JEWELRY

Every person, firm or corporation operating a jewelry store, or shop, or selling plated or silverware, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - -$45.00

Every person, firm or corporation having a jewelry department, selling plated or silverware or what is commonly known as costume or ornamental jewelry and not engaged principally in the sale of jewelry, shall pay a license tax of, per annum - - - - - - - - -$10.00

JEWELRY STANDS

Every person, firm, or corporation making key rings, tags, etc., in any place other than a building for such purposes, shall pay a license tax of, per annum - - - - - - - - -$ 10.00

NOT INCORPORATED

PROVIDED, that no person shall be allowed to make jewelry, key rings, tags and trinkets upon public property or on the streets, sidewalks, or alleyways of the City.

JEWELRY REPAIR SHOP - OR WATCHMAKERS

Every person, firm or corporation operating a jewelry or watch repair shop shall pay a license tax of, per annum - $5.00

PROVIDED, that where a jewelry shop or store pays a jewelry tax, no tax shall be collected hereunder.

JUNK DEALERS

Every person, firm, or corporation engaged in the business of buying, and/or selling or dealing in what is commonly known as junk, including scrap metals, glass, waste paper, waste rubber, waste cloth and cordage of every nature, kind and description, shall apply for and obtain a license for the privilege of engaging in such business and shall pay for such license or annual tax for each location where such business is carried on - - - - - - - - - - - -$62.50

Any person, firm or corporation desiring a license hereunder must first make application in person to the City Manager, and will be required to furnish justified bond in the sum of $1,000 conditioned according to the City Ordinance applicable thereto.

"K"

KENNELS, DOG

Every person, firm or corporation buying, selling, or offering for sale dogs or puppies shall pay a license tax of, per annum -$50.00

The keeping of seven or more dogs on the same premises shall constitute the keeping of a kennel.

KNIVES, CLASP, ETC.

See "Pole Knives"

KNIVES

See "Bowie Knives"

KNUCKLES, BRASS

See "Bowie Knives"

KORAN

See "Coranos"

"L"

LABOR AGENCY, EMIGRATION

(a) Every person, firm or corporation, either as a agent or principal, or both in soliciting, hiring, and/or contracting with laborers, male or female, in this State, for employment out of the State, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - -

[illegible]

[illegible] engaged in the regular business of making loans or lending [illegible], or purchasing at or discounting of, salaries or wages or any part [illegible], or taking [illegible] evidence of debt for repayment of such loans in installment payments [illegible], charged in connection with same any office or other located or established [illegible], or transaction, or transaction of such business, and or advertising or soliciting [illegible] in any matter whatsoever, shall be deemed a loan agency, and shall pay a license tax of, per annum - - -

[illegible] been salted longer than twenty days shall be considered fresh meat, and a license shall be collected as itemized on retail and wholesale dealers of fresh meat. From and after the passage of this Ordinance it shall be unlawful for any person, firm or corporation to operate a meat market without first obtaining a meat market license which must be in force during period of operation and a copy of the same must be conspicuously posted at all times within the said market so as to be plainly visible, and all meat purchased by customers shall be weighed on scales which have been sealed by the City Sealer of Weights and Measures before customers shall be required to patronize such market.

[illegible] Every person, firm or corporation selling, distributing and delivering meats at wholesale [illegible] place of business in the City of Asheville, shall pay a license tax [illegible] - - -

[illegible] - - -

[illegible] engaged in the business of operating any peanut or popcorn roaster or stand, shall pay a license tax, per annum - - -

[illegible]

[illegible] person, firm, or corporation engaged in the business of pressing and/or dry, [illegible] cleaning of clothing, re-styling, cleaning and/or reblocking any hats, shall [illegible], as follows:

[illegible] or not more than three persons are employed - - - - - - - - - - - $10.00
[illegible] more than six persons are
[illegible] - 25.00
[illegible] six persons are employed - 40.00

Every person, firm or corporation operating what is commonly called a cash and carry [illegible] pressing and/or cleaning and pressing shall pay a tax of, per annum - $10.00

[illegible], CLEANING, ETC.

[illegible] - Distributors of Samples"

[illegible]

[illegible], not Specifically Taxed"

[illegible]

Every person, firm or corporation operating a printing press, whether part time or not, [illegible] shall pay a license tax of, per annum - - - - - $10.00

[illegible], employing one workman, per annum - - - - - - - - - - - - - - - 10.00
[illegible], employing two workmen, per annum - - - - - - - - - - - - - - - 15.00
[illegible], employing more than two workmen, per annum - - - - - - - - - - 25.00
[illegible] - 30.00

[illegible]

See "Building [illegible]"

[illegible] - Sales

Exempt by State Statutes

[illegible]

See "Lectures"

[illegible] OF BARBERS, BEAUTY PARLORS OR BATH HOUSES, ETC.

See "Advertising"

[illegible]

See "Automobiles for Hire"

[illegible]

Every person, firm or corporation engaged in public stenographic work, shall pay a license tax, for each person so engaged, of per annum - 2.50

" C "

[illegible]

[illegible] license tax shall be paid, per annum - - - - - - - - - - - - $50.00
[illegible] person, firm or corporation, selling, hauling or delivering rock quarry products [illegible] Asheville, not having paid the tax under sub-section (a), and not having [illegible] limits of Asheville, shall pay the following tax:

[illegible] of two-ton capacity or less, per annum - - - - - - - - - - - - - 25.00
[illegible] of more than two-ton capacity, per annum - - - - - - - - - - - - 50.00

[illegible]

See "Sidewalks, [illegible]"

" D "

[illegible]

See "Coal Sales"

[illegible] INSTRUMENTS [illegible] ACCESSORIES

See "Organs, etc."

REAL ESTATE AUCTIONEERS

See "Auctioneers"

[illegible]

See "Charitable entertainments"

REPAIR SHOPS

Any repair shop operating in the City of Asheville, by whatsoever name called, not elsewhere specifically licensed or taxed in this ordinance, shall pay an annual license tax as follows:

Working one workmen - $5.00
Working one or three workmen - 10.00
Working three workmen or more - 15.00

REPAIR SHOPS - CARRIAGE

See "Carriage Repair Shops"

REPAIRING OR PLASTERING OF HARNESS OR SHOES

See "Harness or Shoe Repairers"

REPAIRING OR TUNING OF ORGANS OR PIANOS

See "Organ Tuners"

RESTAURANTS, LUNCH ROOMS, HOTEL DINING ROOMS OR SODA STANDS

(a) Every person, firm or corporation engaged in the business of operating a restaurant, cafe, cafeteria, hotel with dining service on the European plan, drug store, or other place where prepared food is sold, shall pay an annual license tax based on the number of persons provided for with chairs, stools, or benches, and shall pay $ per seat, with a minimum tax of - - - - - 12.50

(b) All other stands or places where prepared food is sold as a business, and drug stores, service stations, and other stands, or places where prepared sandwiches only are served, shall pay an annual license tax of - 5.00

RIDING DEVICES

Every person, firm or corporation engaged in the operation of a portable merry-go-round, flying jenny, ferris wheel, ship, tango swing, caterpillar, tumble-bug, hobby-horse, switchback railway, shooting gallery, skating rink, or other amusement devices of a like kind, or a place for other games or play with or without name (unless used solely and exclusively for private amusement and exercise) at a permanent licensed place, shall procure a special license for the privilege of operating such objects of amusements, and shall pay for each object enumerated the following tax, per annum - 25.00

ROOFS OR WALLS USED AS THEATRES

See "Halls"

ROOTS AND HERBS

Every person, firm or corporation buying or selling roots, herbs, or other medicinal plants, shall pay a license tax of, per annum - 15.00

RUBBER STAMPS

Every person, firm or corporation engaged in the exclusive business of manufacturing rubber stamps, stencils and seals, where 75 per cent of the business is derived from the manufacture of such articles, shall pay a license tax of, per annum - 25.00

" S "

SALVAGE DEALERS

Every person, firm or corporation buying, selling and/or dealing in bankrupt stocks, factory jobs lots and second-hand materials of all kinds, shall pay a license tax of, per annum - - - - 500.00

PROVIDED, where this license is paid all other license taxes levied by this ordinance on individual items shall not be collectible.

PROVIDED, Where the above tax is paid other classifications shall not apply.

SAMPLE AND SIGN DISTRIBUTORS, ETC.

See "Advertising"

SAND, STONE AND GRAVEL DEALERS

Every person, firm or corporation selling or delivering into the City of Asheville, sand, stone, or gravel shall pay an annual license tax of - 20.00

SANDWICHES

Sandwiches, wholesale, per annum - 15.00
Sandwiches, retail, per annum - 2.50

SCALE, [illegible]

Each dealer in, or scale out for, shall pay a license tax of, per annum - - - - - - - - - - $25.00

[illegible]

See "Automobile Equipment - Used Parts"

SCHOOL - [illegible]

See "Private"

SCHOOL [illegible]

Every person, firm or corporation who or which is engaged in the business of dealing in securities as defined in Section 132 of the 1942 Revenue Act, or who or which maintains a place for or engages in the business of buying and/or selling shares of stock in any corporation, bonds, or any other securities on commission or brokerage, shall pay for the privilege of transacting such business, a license tax of, per annum - $50.00

(b) EXCEPTION, every dealer as defined herein, other than banks or trust companies, shall pay a license tax for the privilege of transacting such business at each office.

(c) If any such person, firm or corporation described in sub-section (a) hereof maintains and operates a leased or private wire and/or ticker service in connection with such business, the annual license tax on the private wire or ticker service shall be - - - - - - - - - - $ 50.00

SEEDS AND PLANTS

Every person, firm or corporation selling or distributing, at wholesale and/or retail, bulk and package, farm and garden seeds, plants, bulbs, roots, shall pay a license tax of, per annum-$25.00

Selling bulk and package seeds only, per annum - - - - - - - - - - - - - - - - - - $ 15.00
Selling plants and package seeds only, per annum - - - - - - - - - - - - - - - - - 10.00
Selling package seeds only in boxes of 330 pkgs. or less, per annum - - - - - - - 1.00
Over 330 packages, per annum - 3.00
Boxes of over 330 packages and not over 650 pkgs., per annum - - - - - - - - - - 2.00

[illegible]

SEWERS, GRADING, PAVING, SEWERS, [illegible]

See "Contractors"

SEWER PIPE

Every person, firm or corporation selling sewer pipe, shall pay a license tax of, per annum-$50.00

No tax collected hereunder where building material tax is collected or where electrical contractor, plumber, steam and gas fitter tax is collected.

See "Electrical Contractors", etc.

SHADES - VENETIAN BLINDS

Every person, firm or corporation engaged principally in the business of selling, erecting, cleaning and/or repairing venetian blinds or window shades shall pay a license tax of, per annum-$25.00

(a) Where only cleaning and/or repairing is done the tax shall be per annum - - -$10.00

(b) Where the principal business is not the sale of venetial blinds or window shades, the tax shall be, per annum - 5.00

PROVIDED, however, where furniture store license has been paid the above license taxes shall not apply.

NOT PROHIBITED

SHOE OR HARNESS MANUFACTURING OR REPAIRS

See "Harness Manufacturers"

SHOE SHINING [illegible]

See "Bootblack Stands"

SHOE STORES

Every person, firm or corporation selling shoes at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually - $ 5.00
$2,000 and less than $5,000 - 10.00
$5,000 and less than $10,000 - 15.00
$10,000 and less than $25,000 - 20.00
$25,000 and less than $35,000 - 30.00
$35,000 and less than $50,000 - 40.00
$50,000 and less than $75,000 - 50.00
$75,000 and over - 75.00

SIGNS, GRADING, PAVING, SEWERS, [illegible]

See "Contractors"

SIGN PAINTING

For any sign painting contractor not employing any workmen, each, per annum - - - - - - - $ 10.00
For any sign painting contractor employing two workmen or less - - - - - - - - - - - - - - 15.00
Two or four workmen - 20.00
Four to six workmen - 25.00
Six or more workmen - 30.00
Itinerant sign painters, per annum - 100.00

SIGN TACKING, PRINTED ADVERTISEMENTS, ETC.

See "Advertising"

SILVER PLATING

Every person, firm or corporation engaged in the business of silver plating, shall pay a license of, per annum - - - - - - - - - - - - - - - - - - -

[illegible] - [illegible]

See "[illegible]"

[illegible]

See "[illegible]"

[illegible], [illegible]

See "[illegible]"

[illegible]

Every person, firm or corporation operating or maintaining a yard or pen where live stock is housed, unloaded, fed or watered, shall pay on each yard or pen a license tax of, per annum - - -

"[illegible] TRAVELING VAUDEVILLE

See "Traveling Moving Pictures"

"[illegible]

See "Pictures, Advertisements, Also Pictures"

"[illegible]

Every person, firm or corporation engaged in the business of setting tile, shall pay a license tax of, as follows: [illegible] - - -

[illegible]

See "Restaurants"

[illegible]

See "Theatres"

[illegible]

Every person, firm or corporation, engaged in the business of washing windows, cleaning floors, or [illegible], shall pay a license tax of, per annum:

[illegible] person - - -

... property was sold at private sale:

	LOT	BLOCK	ADD	NAME DEED TO
...	15	7	S	Kenneth Cordell

... BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ... :

... the City of Asheville be and he is hereby authorized and ... to execute a quit-claim deed to the property listed above, as above set ..., which deed is to be turned over to the tax collector of the City of Asheville, ... will deliver same to the bidder upon payment of the taxes above referred ... the list of the property for taxes for the period in which title was ... the City of Asheville.

... the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: Brebner Smith
COUNCILMAN

... was, on motion duly put, carried by the following vote, to-wit: ... of June, 1944.

J. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

... :

... A. Bailey, Jr.
...

There being no further business, the meeting was upon motion adjourned.

J. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

June 15, 1944 - - 4:30 P. M.

... City Council held in regular session Thursday, June 15, 1944 at 4:30 P. M. ... Present: Councilmen J. M. Divelbiss, C. Fred Brown, ... Ller, ... Stevens, City Attorney, P. ... Burdette. Corporation ... Mayor J. Lyons Lee.

... minutes were read and approved.

... the matter of the execution of a contract with the United States Veterans ... Inc., ... relative to furnishing certain water to said Veterans Bureau ... motion of Councilman Ller, seconded by Vice-Mayor Divelbiss ... :

... AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE UNITED STATES ... NORTH CAROLINA, IN REGARD TO FURNISHING CERTAIN ... PUBLIC CONTRACT VBM-6108.

... , contract ... -6108, by and between the City of Asheville and the United States ... Bureau for the purpose of the City of Asheville supplying water to the Veterans Bureau ... , and dated ... on or about June 20, 1944; and

... ;

... ;

... Ller ...

... ;

... ;

... Lyons Lee ...

... ;

... ;

... :

... ;

... ;

... ;

Joyce M. Wells
CITY CLERK

Thursday, June 22, 1944--4:30 P. M.

The City Council met in regular session Thursday, June 22, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding: Present: Councilmen Earl W. Eller, Holmes Bryson, O. E. Starnes, Bretney Smith, City Manager, P. M. Burdette, Corporation Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

Ordinance #295 entitled, " AN ORDINANCE AMENDING ORDINANCE #294, BEING " AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1944 AND ENDING MAY 31, 1945" was unanimously passed on its first reading with the following vote:

Councilman Earl W. Eller voted "aye"
Councilman O. E. Starnes voted "aye"
Councilman Holmes Bryson voted "aye"
Councilman Bretney Smith voted "aye"

Mayor L. Lyons Lee voted "aye"

Mr. J. G. Stikeleather appeared before the Council and presented some views regarding the water supply. The Council thanked him for his interest and assured him that the matter would be referred to the Engineering Department.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Joyce M. Wells
CITY CLERK

Thursday, June 29, 1944--4:30 P. M.

The City Council met in regular session Thursday, June 29, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding: Present: Councilmen Earl W. Eller, O. E. Starnes, J. E. Divelbiss, C. Fred Brown, City Manager, P. M. Burdette, Corporation Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

ORDINANCE # 295 - AMENDING ORDINANCE #294

Ordinance #295 entitled, "AN ORDINANCE AMENDING ORDINANCE #294, BEING "AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1944 and ENDING MAY 31, 1945" was unanimously passed on its second reading with the following vote:

Councilman Earl W. Eller voted "aye"
Councilman O. E. Starnes voted "aye"
Councilman J.E. Divelbiss voted "aye"
Councilman C.Fred Brown voted "aye"

Mayor L. Lyons Lee voted "aye"

RESIGNATION OF COUNCILMAN BRETNEY SMITH

After expressing the appreciation of the Council for the loyal and faithful service to the City of Asheville by Mr. Smith, Mayor Lee with regret, presented Mr. Smith's resignation as follows:

June 8, 1944

Hon. L. Lyons Lee, Mayor
City of Asheville,
Asheville, North Carolina

Dear Mr. Mayor:

Due to the fact that I have moved my residence to 8 White Oak Road, a point outside the corporate limits of Asheville, it becomes necessary that I resign from the City Council.

I take this step with deep regret since I have truly enjoyed serving with you, the other members of the council and City Manager Burdette.

Although leaving the Council, I shall remember my pleasant association with you gentlemen and the many courtesies you have shown me.

Yours sincerely,

Bretney Smith

Councilman Brown moved that Councilman Smith's resignation be accepted with regrets. This motion was seconded by Councilman Divelbiss and unanimously passed by the Council.

ELECTION OF H. M. FELDER TO CITY COUNCIL

Mayor Lee announced that nominations were in order to fill the vacancy on the Council caused by the resignation of Councilman Smith. Upon motion of Councilman Starnes, seconded by Councilman Eller, the name of H. M. Felder was placed before the Council and he was unanimously elected to serve the unexpired term of Councilman Smith.

Mayor Lee administered the Oath of Office and Councilman Felder was asked to take a seat with the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Joyce M. Wells
CITY CLERK

Thursday, July 6, 1944--4:30 P. M.

The City Council met in regular session Thursday, July 6, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding: Present: Councilmen Earl W. Eller, O. E. Starnes, C. Fred Brown, H. M. Felder, Holmes Bryson, City Manager, P. M. Burdette, Corporation Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

ORDINANCE #295 - AMENDING ORDINANCE #294
FINAL READING

Ordinance #295 entitled, "AN ORDINANCE AMENDING ORDINANCE #294, BEING "AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1944 AND ENDING MAY 31, 1945" was unanimously passed on its third and final reading with the following vote:

Councilman Eller voted "aye"
Councilman Starnes voted "aye"
Councilman Bryson voted "aye"
Councilman Brown voted "aye"
Councilman Felder voted "aye"
Mayor Lee voted "aye"

ORDINANCE NO. 295

AN ORDINANCE AMENDING ORDINANCE NO. 294, BEING " AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1944 AND ENDING MAY 31, 1945".

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1. That Ordinance No. 294 be amended by inserting therein on page seven after the numerals "$50.00" and before the word "provided" between Sections (b) and (c) the following section known as Section (b-1):

(b-1) That persons, firms or corporations dealing in motor vehicles as set out in Section (a) of Ordinance #294 if they be of a seasonal, temporary, transit, or itinerant nature, either with or without a regular established located place of business, shall pay a license tax per annum of . . . . .$ 50.00

I move the adoption of the foregoing ordinance, this the 6 day of July, 1944.

Bretney Smith
COUNCILMAN

SECONDED BY: E. W. Eller
COUNCILMAN

Read, approved, and adopted by the Council on first reading 22 day of June , 1944, with all members of the Council present voting "aye"; read, approved and adopted by the Council on second reading, 29 day of June, 1944, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 6 day of July, 1944, with all members of the Council present voting "aye". This ordinance shall become effective ____ day of _____, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution Accepting Payment from the Asheville Cotton Mills for installation of six inch water main extending the City's Riverview Drive Water main to the plant of the Asheville Cotton Mills was upon motion of Councilman Eller, seconded by Councilman Felder unanimously passed as follows:

RESOLUTION ACCEPTING PAYMENT FROM THE ASHEVILLE COTTON MILLS FOR INSTALLATION OF A SIX INCH WATER MAIN EXTENDING THE CITY'S RIVERVIEW DRIVE WATER MAIN TO THE PLANT OF THE ASHEVILLE COTTON MILLS

WHEREAS, certain agreements having been reached between the Asheville Cotton Mills and the Director of Public Works of the City of Asheville relative to the extension of the city's Riverview Drive water main; and

WHEREAS, said agreements are set forth in a letter dated June 28, 1944 to P. M. Burdette, City Manager, from Geo. R. Murphy, Treasurer of the Asheville Cotton Mills, and for a permanent record

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That $275.00 be accepted by the City of Asheville for the extension of said water main set out in this resolution, and that a copy of the letter mentioned above is made part of this resolution and is to be copied in the minutes of the City of Asheville.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to attach hereto the letter named, and copy same in the minutes, and the agreements entered into by and between the Director of Public Works of the City of Asheville and the Asheville Cotton Mills are hereby ratified and approved.

I move the adoption of the foregoing resolution.

E. W. Eller
COUNCILMAN

H. M. Felder
COUNCILMAN

Read, approved and adopted, this 6 day of July, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

June 28, 1944

The Hon. Pat M. Burdette,
City Manager,
Asheville, N. C.

Dear Sir:

We are enclosing herewith our check for $275.00 which is one-half of the cost and expense to the City of Asheville for installing, with its own forces, a six inch water main extending from the City's Riverview Drive water main to our plant.

We have seen the memorandum of Mr. Weldon Weir, Director of Public Works, to Mr. Philip Cocke, Corporation Counsel, with reference to the construction of this extension. Mr. Weir states that it was understood with the Asheville Cotton Mills that the City was to have no right-of-way over the property of the Asheville Cotton Mills by reason of the construction of this line, and that this new line was to become the property of the Asheville Cotton Mills, and that the cooperation on the part of the City in extending this line and paying for part of the cost, does not in any way, place the City liable for damage or responsibility for maintenance.

This we think correctly states the understanding between the Asheville Cotton Mills and the City of Asheville with respect to the extension of this six inch water main, and the Asheville Cotton Mills, henceforward being the exclusive owner of said extension, assumes all responsibility for the upkeep and maintenance of same.

We suggest the advisability of formal action on the part of the City Council ratifying and approving this to the end that permanent record may be made for the purpose of future reference of the understanding and agreement between the City of Asheville and the Asheville Cotton Mills, with respect to the ownership and responsibility for maintenance of this six inch water line extension.

Thanking the City for its cooperation in this matter, we are

Very truly yours,

Asheville Cotton Mills

George R. Murphy
Geo. R. Murphy
Treas.

RESOLUTION - ADVERTISE CERTAIN PROPERTY FOR SALE

Resolution authorizing City Manager to advertise certain property for sale was upon motion of Councilman Bryson, seconded by Councilman Brown unanimously passed as follows:

RESOLUTION AUTHORIZING CITY MANAGER TO ADVERTISE CERTAIN PROPERTY FOR SALE

WHEREAS, the City of Asheville is owner of one Allis Chalmers Tractor and Bulldozer; and

WHEREAS, it is deemed advisable to dispose of same to the highest bidder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized and empowered to advertise for bids according to law on one Allis Chalmers Tractor and Bulldozer, and sell same to the highest bidder for cash at the Court House door.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted, this 6 day of July, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

CORPORATION COUNSEL

Resolution authorizing Mayor to execute Quit-Claim deed to D. J. Weaver for Lots 299, 300, 301, 302, 303, 304, 305, Sheet 8, Ward 6 was upon motion of Councilman Brown, seconded by Councilman Starnes, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO D. J. WEAVER FOR LOTS 299, 300, 301, 302, 304, 305, Sheet 8, Ward 6.

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	WARD	MAKE DEED TO
2658	Robin K. Pritchard, et al	299,301, 300,302, 303,304, 305	8	6	D. J. Weaver

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville, who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. Fred Brown
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved adopted, this 6 day of July, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

Thursday, July 13, 1944

The City Council met in regular session Thursday, July 13, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding: Present: Councilman Earl W. Eller, O. E. Starnes, J. E. Divelbiss, Holmes Bryson, Hugh M. Felder, City Manager P. M. Burdette, Corporation Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee:

The minutes of the previous meeting were read and approved.

RESOLUTION - DEED TO M. H. COX
PROPERTY ON RICHARD STREET

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEED TO M. H. COX

Resolution authorizing the Mayor to execute deed to M. H. Cox was upon motion of Councilman Starnes, seconded by Councilman Earl Eller, unanimously passed as follows:

WHEREAS, a resolution on the 30th day of March, 1944, by the City Council of the City of Asheville authorized the City Manager to sell to the highest bidder at the Court House door, after legal advertisement, Lot 102, Sheet 3, Ward 8, being on Richard Street in the City of Asheville; and

WHEREAS, at the sale held on the 1st day of May, 1944 M. H. Cox became the last and highest bidder in the amount of $175.00 for said lot; and

WHEREAS, ten day have elapsed, and the said bid is hereby accepted by the City Council of the City of Asheville:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute a deed, attested by the City Clerk, to M. H. Cox for Lot 102, Sheet 3, Ward 8.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: E. W. Eller
COUNCILMAN

Read, approved and adopted, this 13 day of July, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion adjourned.

MAYOR

Joyce M. Wells
CITY CLERK

Thursday, July 20, 1944-4:30 P. M.

The City Council met in regular session Thursday July 20, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding: Present, Councilmen Earl W. Eller, O. E. Starnes, C. Fred Brown, H. M. Felder, J. E. Divelbiss, City Manager, P. M. Burdette, Corporation Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

Resolution authorizing Mayor to execute lease by and between the City of Asheville and the United States of America was upon motion of Councilman Starnes, seconded by Councilman Brown unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE BY AND BETWEEN THE CITY OF ASHEVILLE AND THE UNITED STATES OF AMERICA

WHEREAS, the City of Asheville owns and operates that building known as the City Auditorium and located at Haywood and Flint Streets in the City of Asheville; and

WHEREAS, the United States of America is desirous of entering into a lease with the City of Asheville for the duration of the present emergency and six months after the date of termination of same, as set out in Proclamation 2487 dated May 27, 1941;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and empowered to enter into said lease with the United States of America for the lease of what is known as the basement of the City Auditorium above referred to, and that the lease by and between the City of Asheville and the United States of America is made a part of this resolution and attached hereto.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted, this 20 day of July, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

CR Form 206

No.

LEASE
BETWEEN

NEGOTIATED LEASE

City of Asheville

(Contracting Officer)

and

THE UNITED STATES OF AMERICA

1. THIS LEASE, made and entered into this 20 day of July, in the year one thousand nine hundred and Forty-four by and between City of Asheville, a Municipal Corporation of the State of North Carolina, whose address is Asheville, North Carolina and whose interest in the property hereinafter described is that of for itself, its successors, and assigns, hereinafter called the Lessor, and THE UNITED STATES OF AMERICA, hereinafter called the Government.

WITNESSETH: The parties hereto for the considerations hereinafter mentioned covenant and agree as follows:

2. The Lessor hereby leases to the Government the following described premises, viz:

The basement of that certain building known and designated as the City Auditorium, located on Haywood and Flint Streets, in the City of Asheville, County of Buncombe, North Carolina, containing approximately 18,100 square feet or less.

Together with the right to use the first floor of the Auditorium during the term of this lease under the same rules and regulations that are required by the Lessor, the City of Asheville, when the said first floor is leased by any other person, firm or corporation.

to be used for the following purpose: Office and storage and other requirements of the War Department:

3. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning July 20, 1944 through June 30, 1945, provided that, unless and until the Government shall give notice of termination in accordance with provision 12 hereof, this lease shall remain in force thereafter from year to year without further notice; provided further that adequate appropriations are available from year to year for the payment of rentals; and provided further that this lease shall in no event extend beyond six months after the date of termination of the unlimited national emergency as declared by the President of the United States in Proclamation No. 2487 dated May 27, 1941.

4. The Government shall pay the Lessor rent at the following rate:
Thirteen Hundred and Fifty Dollars ($1350.00) per month. Payment shall be made at the end of each calendar month by the Finance Officer, United States Army, 449 West Peachtree Street, Atlanta, Georgia.

5. The Government shall not assign this lease in any event, and shall not sublet the demised premises except to desirable tenants.

6. The Lessor shall furnish to the Government, as part of the rental consideration, the following:

(a) Water, heat, lights and Janitor services, maid service and night watchman.

7. The Government shall have the right, during the existence of this lease, to make alterations, attach fixtures, and erect additions, structures, or signs, in or upon the premises hereby leased, which fixtures, additions, or structures so placed in, upon or attached to the said premises shall be and remain the property of the Government and may be removed or otherwise disposed of by the Government. The Government shall surrender possession of the premises upon the expiration or termination of this lease and, if required by the Lessor, shall, within thirty (30) days thereafter, or within such additional time as may be mutually agreed upon, return the premises in as good condition as that existing at the time of entering upon the same under this lease, reasonable and ordinary wear and tear and damages by the elements or by circumstances over which the Government has no control, excepted; provided that, if the Lessor requires the return of the premises in such condition, the Lessor shall give written notice thereof to the Government at least twenty (20) days before the expiration or termination of the lease, said notice to specify the exceptions of the Lessor to the then existing condition. It is understood and agreed that this provision does not apply to the auditorium located on the first floor of the premises.

8. The Lessor warrants the mechanical equipment, if any, and the utilities to be in good serviceable and operating condition.

9. The Lessor shall maintain the said premises and property in good repair and tenantable condition during the continuance of this lease, except in case of damage arising from the act or the negligence of the Government's agents or employees. For the purpose of so maintaining the premises and property, the Lessor may, at reasonable times approved by the officer in charge, enter and inspect the premises and property, and make any necessary repairs thereto.

10. If the said premises be destroyed by fire or other casualty this lease shall immediately terminate. In case of partial destruction or damage, so as to render the premises untentable, as determined by the Government, the Government may terminate the lease by giving written

notice to the Lessor within fifteen days thereafter; if so terminated no rent shall accrue to the Lessor after such partial destruction or damage, and if not so terminated the rent shall be reduced proportionately by supplemental agreement hereto effective from the date of such partial destruction or damage.

11. As of the commencement date of this lease, a joint inventory and condition report of all personal property of the Lessor included in this lease, and also a joint physical survey and inspection report of the demised premises shall be made, said reports to reflect the then present condition, and to be signed on behalf of the parties hereto.

12. The Government may terminate this lease at any time by giving thirty (30) days notice in writing to the Lessor, and no rental shall accrue after the effective date of termination.

13. Any notice under the terms of this lease shall be in writing signed by a duly authorized representative of the party giving such notice, and if given by the Government shall be addressed to the Lessor at Asheville, North Carolina, and if given by the Lessor shall be addressed to Division Engineer, South Atlantic Division, P. O. Box 4114, Atlanta, Georgia.

14. The Lessor warrants that he has not employed any person to solicit or secure this lease upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the lease, or, in its discretion to deduct from the rental the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by lessors upon contracts or leases secured or made through bona fide established commercial or selling agencies maintained by the Lessor for the purpose of securing business.

15. No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this lease or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this lease if made with a corporation for its general benefit.

16. a. The Lessor, in performing the work required by this lease, shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin.

b. The Lessor agrees that the provision of paragraph a above also be inserted in all subcontracts. For the purpose of this article, a subcontract is defined as any contract, entered into by the lessor with any individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, for a specific part of the work to be performed in connection with the supplies or services furnished under this contract; provided, however, that a contract for the furnishings of standard or commercial articles or raw material shall not be considered as a subcontract.

17. Changes before execution: In paragraph 1 the words "heirs ,executors and administrators" deleted. In paragraph 7 the sentence beginning with "it" and ending with "premises" added.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date above written.

In presence of:

Mrs. R. W. Wells

Margaret Simmons

City of Asheville

By: L. Lyons Lee, Mayor

THE UNITED STATES OF AMERICA

By _____
(Contracting Officer)

(If Lessor is a corporation, the following certificate shall be executed by the secretary or assistant secretary.)

I, Joyce M. Wells, certify that I am the ~~Secretary~~ City Clerk of the corporation named as Lessor in the attached lease; that L. Lyons Lee who signed said lease on behalf of the Lessor, was then Mayor of said corporation by authority of its governing body, and is within the scope of its corporate-powers.

Joyce M. Wells (Corporate Seal)

There being no further business, the meeting was upon motion adjourned.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

Thursday, July 27, 1944--4:30 P. M.

The City Council met in regular session Thursday July 27, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding: Present, Councilmen Eller, Holmes Bryson, O. E. Starnes, H. M. Felder, City Manager, P. M. Burdette, Corporation Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

[illegible] - QUIT-CLAIM DEED TO
J. C. MOTTERN AND WIFE, HETTIE MOTTERN

Resolution authorizing Mayor to execute quit-claim deed to J. C. Mottern and Wife, Hettie Mottern, for property on Beverly Road was upon motion of Councilman Starnes, seconded by Councilman Felder unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO J. C. MOTTERN AND WIFE, HETTIE MOTTERN, FOR PROPERTY ON BEVERLY ROAD

WHEREAS, the City acquired through tax foreclosure proceedings certificates for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill giving any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	ORIGINAL OWNER	LOT	SHEET	WARD	MAKE DEED TO
1927 - 6632 1928 - 1982	J. L. Mercer	23	2	5	J. C. Mottern and wife, Hettie

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville, who will deliver the same to the bidder upon payment of the taxes above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: H. M. Felder
COUNCILMAN

Read, approved and adopted, this 27 day of July, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

[illegible] SALE

Resolution authorizing the City Manager to advertise certain property for sale was upon motion of Councilman Felder, seconded by Councilman Starnes unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN PROPERTY FOR SALE

WHEREAS, the City Council of the City of Asheville has certain offers on Lots 22, 23, 24, 25, 26, 27, and 28, Sheet 5, Ward 5; and

WHEREAS, the City Council of the City of Asheville deems it advisable to sell said property at auction to the last and highest bidder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise said property for sale according to law. The City of Asheville reserves the right to reject any and all bids.

I move the adoption of the foregoing resolution.

H. M. Felder
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 27 day of July, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cooke, Jr.
CORPORATION COUNSEL

Mayor Lee informed the Council that a bond had been received from Reed & Abee, Inc. for blasting in accordance with Ordinance #51.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Joyce M. Wells
CITY CLERK

Thursday, August 3, 1944-4:30 P. M.

The City Council met in regular session Thursday, August 3, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding: Present, Councilmen Brown, E. W. Eller, Holmes Bryson, O. E. Starnes, H. M. Felder, City Manager, P. M. Burdette, Corporation Counsel, Phillip C. Cooke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

[illegible] ACCEPT PROPERTY AS PUBLIC ALLEY

Resolution accepting property to be dedicated as a public alley was upon motion of Councilman Starnes, seconded by Councilman Eller, unanimously passed as follows:

RESOLUTION ACCEPTING PROPERTY TO BE DEDICATED AS A PUBLIC ALLEY

WHEREAS, on the 13th day of December, 1943 W. S. Harrison and wife executed to the City of Asheville a deed for five feet of land in the northern part of the City of Asheville, said land to be used as a public alley; and

WHEREAS, on the 14th day of January, 1944 Guy H. Morris and wife executed to the City of Asheville a deed for five additional feet of land in the northern part of the City of Asheville, to be dedicated as a public alley; and

WHEREAS, W. S. Harrison and wife and Guy. H. Morris and wife were the owners of the respective five feet mentioned above; and

WHEREAS, the deed from W. S. Harrison and wife has been accepted, and has been recorded in the office of the Register of Deeds in book 555 on page 280; and

WHEREAS, the deed from Guy. H. Morris and wife has been accepted, and has been recorded in the office of the Register of Deeds in book 563 on page 206; and

WHEREAS, the descriptions of said land are as follows:

BEGINNING at a stake in the Eastern margin of Merrimon Avenue, at the Southwest corner of Lot No. 41, of plat recorded in the Buncombe County Register's Office in Plat Book 4 at page 50, and runs thence South 9 deg. 55' West 5 feet to a stake; thence South 86 deg. 24' East 120 feet to a stake; thence North 9 deg. 56' East 5 feet to a stake, the Southeast corner of said Lot 41; thence with the Southern line of said Lot 41 North 86 deg. 24' West 120 feet to the place of BEGINNING.

BEGINNING at the southwest corner of Lot No. 41 of plat of Grove Park Extension Subdivision recorded in the office of the Register of Deeds, Buncombe County in Plat Book No. 4, page 50 and runs thence S. 86 deg. 24' E. one hundred twenty and no hundredths (120.00) feet along the southern line of said Lot to the southeast corner of said Lot; thence N 9 deg. 22' E. five and no hundredths (5.00) feet along the eastern line of said lot; thence N. 86 deg. 24' W. one hundred nineteen and ninety-five hundredths (119.95) feet to the west line of said Lot, the eastern margin of Merrimon Avenue; thence along said margin S. 9 deg. 55' W. five and no hundredths (5.00) feet to the BEGINNING, being a five foot strip, a part of said Lot. 41 and its southernmost portion.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the property described herein be and the same is dedicated as a public alley in the City of Asheville.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: E. W. Eller
COUNCILMAN

Read, approved and adopted this 3 day of August, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cooke, Jr.
CORPORATION COUNSEL

There being no further business, the meeting was upon motion adjourned.

MAYOR

Joyce M. Wells
CITY CLERK

Thursday, August 10, 1944--4:30 P. M.

The City Council met in regular session Thursday, August 10, 1944 at 4:30 P. M. with Mayor L. Lyons Lee presiding: Present, Councilmen Eller, J. E. Divelbiss, C. Fred Brown, O. E. Starnes, H. M. Felder, Holmes Bryson, City Manager F. M. Burdette, Corporation Counsel, Philip C. Cocke, Jr. and Mayor L. Lyons Lee.

The minutes of the previous meeting were read and approved.

[illegible] SALE

Resolution authorizing the City Manager to advertise certain property for sale was upon motion of O. E. Starnes, seconded by Councilman Bryson unanimously passed as follows:

RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE CERTAIN PROPERTY FOR SALE

WHEREAS, the City Council of the City of Asheville has certain offers for Lots 115, 116, 116½, Ward 4, Sheet 2, being known as #41 Pearl Street; and

WHEREAS, the City Council of the City of Asheville deems it advisable to sell said property at auction to the last and highest bidder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise said property for sale according to law. The City of Asheville reserves the right to reject any and all bids.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: Holmes Bryson
COUNCILMAN

Read, approved and adopted, this 10 day of August, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

[illegible]

Resolution adopting the budget for the City of Asheville for the fiscal year beginning July 1, 1944 and ending June 30, 1945 was upon motion of Councilman Felder, seconded by Councilman Brown unanimously passed as follows:

RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1944 AND ENDING JUNE 30, 1945

WHEREAS, the City Manager of the City of Asheville presented to the City Council this the 10th day of August, 1944 the operating and debt service budget for the City of Asheville for the fiscal year beginning July 1, 1944 and ending June 30, 1945, and the budget as presented shows the amount to be expended for the operation of the various departments of the City of Asheville and the amount to be expended for debt service as follows:

(a) General Government	$115,176.30
(b) Law	15,570.00
(c) Finance	19,450.00
(d) Public Welfare	41,379.50
(e) Public Safety	255,400.16
(f) Libraries	24,745.20
(h) Public Works	207,336.96
(i) Parks and Playgrounds	49,133.90
(l) Water Department	243,866.70
Total operating	972,058.72
Debt Service	
Principal and Interest	
General Refunding Bonds - Series 1	393,644.00
General Refunding Bonds - Series 2	11,805.00
Water Refunding Bonds	200,000.00
Total	605,449.00
Total Appropriations	1,577,507.72

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the budget as presented to the City Council by the City Manager on the 10th day of August, 1944 covering the City of Asheville operating and debt service appropriations, as outlined above, the total being $1,577,507.72, be approved and the same is hereby adopted as the budget of the City of Asheville for the fiscal year 1944-45. Except; if and in the event more net revenue shall be realized in the Water Department than has been allocated for debt service, as set out in this budget, then such additional net revenue is hereby allocated to the debt service, not however to exceed twenty-five thousand dollars.

I move the adoption of the foregoing resolution.

H. M. Felder
COUNCILMAN

SECONDED BY: C. Fred Brown
COUNCILMAN

Read, approved and adopted this 10th day of August, 1944.

L. Lyons Lee
MAYOR

Joyce M. Wells
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

CLAIM - J. Z. WYATT

Claim of J. Z. Wyatt for refund collected by City as rent of water meter was presented and referred to the City Manager and Corporation Counsel as follows:

STATE OF NORTH CAROLINA,

COUNTY OF BUNCOMBE,

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF ASHEVILLE:

The undersigned J. Z. Wyatt, of Wyatt Avenue, Biltmore, Makes the following Claim:

For the refund of $17.00 which has been collected by the City as rent of water meter and which meter belongs to the said J. Z. Wyatt.

That at the time the Biltmore section was incorporated within the corporate limits of the City of Asheville your claimant and many other property owners in said Biltmore Section owned their water meters and that the Water Department of said City has been collecting rent on said meters without legal basis or authority, and your claimant requests the refund of all amounts collected from him as meter rent on his water meter same being at the rate of 10¢ per month since the Biltmore Section was brought within the corporate limits of the said City of Asheville.

J. Z. Wyatt

SWORN to and subscribed before me this the 7th day of August, 1944.

Geo. F. Meadows
Notary Public of Buncombe
County
State of North Carolina

My Commission expires:

May 5, 1945

There being no further business, the meeting was upon motion adjourned.

MAYOR

Joyce M. Wells
CITY CLERK

August 17, 1944 - - 4:30 P. M.

Because of lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

Joyce M. Wells
CITY CLERK

State of North Carolina
Department of Archives and History
Raleigh

CERTIFICATE OF AUTHENTICITY

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(Signed) H. O. Stout
Camera Operator

Date 7-10-73

NCDA&H

END OF BOOK

NCDA&H

END OF REEL